

APPENDIX **H**

Probation Services Task Force
Laws and Mandates Chart
Sorted by
Statute and Subject Area

August 2002

Probation Services Task Force Laws and Mandates Chart

Sorted by:

Statute

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Cal. Rules of Court, rule 4.411	Regulation	Other	Directs the court to refer the case to the probation officer for a presentence investigation and report irrespective of the defendant's eligibility for probation and prohibits acceptance of the waivers of the presentence report except in unusual circumstances in those cases where the defendant is eligible for probation. Specifies that the court is required to order a supplemental probation officer's report in preparation for sentencing proceedings that occur a significant period of time after the original report was prepared. States that the purpose of the presentencing report is to aid judges in determining the appropriate length of a prison sentence and to aid the Department of Corrections in determining the type of facility and program in which to place a defendant, and to aid in determining whether probation is appropriate. States that Pen. Code, § 1203c, requires a probation officer's report on every person sentenced to prison, and that ordering the report before sentencing in probation-ineligible cases will help ensure a well-prepared report.		Pen. Code, § 1203c
Services: Casework	Cal. Rules of Court, rule 4.411.5	Regulation	Mandate	Outlines the specific information that a probation officer is required to include in a presentence investigation report in a felony case with any other additional information.		
Services: Process	Code Civ. Proc., § 1219.5(a)	Statute	Mandate	Mandates the probation officer, in any case in which a contempt consists of the refusal of a minor under the age of 16 years to take the oath or to testify, and before the court imposes the sanctions for the contempt, to prepare and file the report and recommendation as to the appropriateness of the imposition of a sanction. Requires the probation officer, in making the report and recommendations, to consider factors such as the maturity of the minor, the reasons for the minor's refusal to take the oath or to testify, the probability that available sanctions will affect the decision of the minor not to take the oath or not to testify, the potential impact on the minor of his or her testimony, the potential impact on the pending litigation of the minor's unavailability as a witness, and the appropriateness of the various available sanctions in the minor's case.		
Services: Process	Code Civ. Proc., § 1279.5(c)	Statute	Other	Mandates the court to deny an application for a name change pursuant to Code Civ. Proc., § 1276, made by a person who is under the jurisdiction of the Department of Corrections, unless that person's parole agent or probation officer grants prior written approval.		Code Civ. Proc., § 1276
Services: Process	Ed. Code, § 47755(c)	Statute	Other	Requires a joint approval by the governing board of the county office of education or the governing board of the school district and the chief probation office of a comprehensive, multi-agency local plan to serve the needs of high-risk youth for the purpose of enhancing educational opportunities and reducing juvenile crime and delinquency.	COE; School Board; CPO	
Services: Process	Ed. Code, § 47762	Statute	Mandate	Mandates the county probation department and the county office of education or school district to identify outcome measures for offenders participating in the High-Risk First-Time Offenders program as established pursuant to Ed. Code, § 47755. Specifies some of the outcome measures to be included.	Prob. Dept.; COE; School Dist.	Ed. Code, § 47755

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Ed. Code, § 47770	Statute	Mandate	Mandates the county probation department and the county office of education or school district to identify outcome measures for offenders participating in the Transitioning High-Risk First-Time Offenders program as established pursuant to Ed. Code, § 47765. Specifies some of the outcome measures to be included.	Prob. Dept.; COE; School Dist.	Ed. Code, § 47765
Services: Process	Ed. Code, § 48246	Statute	Discretionary Mandate	Permits the probation officer of any county to enter, at any time, into any place of employment for the purpose of examining permits to work or to employ all minors employed in such place of employment, or for the purpose of investigating violations of the provisions of the Lab. Code or of the provisions of Ed. Code, ch. 2 (commencing with § 48200) and ch. 7 (commencing with § 49100) of div 4 of tit. 2. Requires the probation officer to report in writing to the labor commissioner within 48 hours the fact that he or she has good cause to believe that the laws relating to the education of minors are being violated in such place of employment and describing the nature of the violation. Requires the probation officer to report to the labor commissioner within 48 hours in writing if the probation officer was denied entrance to any place of employment.	Labor Commission	Ed. Code, §§ 48200, 49100
Services: Process	Ed. Code, § 48260.6(d)	Statute	Discretionary	Permits the district attorney or the probation officer in any county, which has not established a county school attendance review board, to request the parents or guardians and the truant child to attend a meeting in the district attorney's office or at the probation department, pursuant to Welf. & Inst. Code, § 601.3, to discuss the possible legal consequences of the child's truancy.		Welf. & Inst. Code, § 601.3; Ed. Code, § 48260.5
Services: Process	Ed. Code, § 48263	Statute	Discretionary	Provides that the probation department may receive referrals of habitual student truants or those who are habitually insubordinate or disorderly for services. Mandates the probation officer to direct the pupil or the pupil's parents or guardians, or both, to make use of available community services that can resolve the problem of the truant or insubordinate student. Permits the probation officer to notify the district attorney when the probation officer determines that available community services cannot resolve the problem of the truant or insubordinate student, or if the student or the parents or guardians of the student, or both, have failed to respond to directives of the probation officer or to services provided.	School Dist; SARB	Ed. Code, §§ 48263.5, 48260.6
Services: Process	Ed. Code, § 48263.5	Statute	Discretionary	Specifies information that the probation officer may report to the district attorney if the probation officer determines that available community services cannot resolve the truancy or insubordination problem of the student, or if the student or guardians of the student, or both, have failed to respond to directives of the probation officer or to services provided.	SARB; Dist. Atty	Ed. Code, §§ 48321, 48290; Welf. & Inst. Code, § 601.3
Services: Process	Ed. Code, § 48264	Statute	Discretionary	Permits the probation officer, among other specified entities, to arrest or assume temporary custody, during school hours, of any minor subject to compulsory full-time education or to compulsory continuation education found away from his or her home and who is absent from school without valid excuse within the county, city, or city and county, or school district.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Fam. Code, § 1817	Statute	Mandate	Mandates the probation officer in every county to give assistance to the family conciliation court and to make investigations and reports that the court may request, to carry out the purposes of Pen. Code, pt. 1; also "Family Conciliation Court Law" of div. 5 (commencing with § 1800).		Fam. Code, pt. 1; also "Family Conciliation Court Law" of div. 5 (commencing with § 1800)
Services: Process	Fam. Code, § 3164	Statute	Other	Includes members of the professional staff of the probation department in a category of people who may be mediators. Requires mediators to meet the minimum qualifications required of a counselor of conciliation as provided in Fam. Code, § 1815.		Fam. Code, § 1815
Services: Process	Fam. Code, § 7850	Statute	Mandate	Mandates the clerk of the court to notify immediately the juvenile probation officer, among other involved parties, any time a petition is filed under Pen. Code, § 7841 ("Child Custody"). Upon receipt of notification, directs the juvenile probation officer to immediately investigate the circumstances of the child and the circumstances that are alleged to bring the child within any of the provisions of Pen. Code, ch. 2 (commencing with § 7820).		Fam. Code, § 7841 ("Child Custody"); Fam. Code, ch. 2 (commencing with § 7820)
Services: Process	Fam. Code, § 7851	Statute	Mandate	Mandates the juvenile probation officer, a qualified court investigator, or the county department, when a petition for an order or judgment declaring a child free from the custody and control of either or both parents has been filed, to render to the court a written report of the investigation with a recommendation to the court of the proper disposition to be made in the proceeding in the best interest of the child. Specifies information that is required to be included in the report.		
Services: Process	Fam. Code, § 9001	Statute	Mandate	Mandates the probation officer, among other entities, to make an investigation of each case of stepparent adoption, and prevents the court from making an order of adoption until after the report and recommendations have been filed and the court has had time to consider them. Specifies that no home study, defined as a physical investigation of the premises where the child is residing, may be required of the petitioner's home in a stepparent adoption unless ordered by the court. Specifies that the agency conducting the investigation or any interested person may request the court to order a home study, or the court may order a home study on its own motion.		
Services: Process	Fam. Code, § 9002	Statute	Discretionary	Provides that the probation officer, among others, may defer, waive, or reduce the fee in connection with the stepparent adoption, if its payment would cause economic hardship to the prospective adoptive parent detrimental to the welfare of the adopted child.		Fam. Code, § 9001
Services: Process	Fam. Code, § 9003	Statute	Other	Names the probation officer as one of the entities before whom the consent of either or both birth parents is required to be signed in a stepparent adoption. Provides that if such consent is signed before the probation officer, he or she is mandated to file the consent immediately with the clerk of the court where the adoption petition is filed.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Fam. Code, § 9005(c)	Statute	Mandate	Mandates the probation officer, among other entities, to file a full report with the court before the hearing of the motion or petition for withdrawal of the consent of the birth parent to the adoption of the child through a stepparent. Mandates the probation officer to appear at such hearing to represent the interests of the child.		
Governance	Gov. Code, § 1481.1	Statute	Discretionary	Gives the board of supervisors of a county, for the purposes of Gov. Code, § 1481, the appointing power of the adult probation officer and his or her assistants and deputies. States that the adult probation officer and his or her assistants and deputies are deemed to be employees of the county in which they are appointed and provides for their inclusion as covered employees in any master bond used in such county.	Bd. of Sups.	Gov. Code, § 1481
Compensation: Retirement	Gov. Code, § 31469.4	Statute	Other	Includes probation officers employed in juvenile hall, who are primarily engaged in the control and custody of delinquent youths who must be detained under physical security in order not to be harmful to themselves or others, within the definition of a <i>safety member</i> . Specifies that the provision of Gov. Code, § 31469, cannot be applicable in any county until the board of supervisors makes the provisions applicable by resolution.	Bd. of Sups.	Gov. Code, § 31469
Compensation: Retirement	Gov. Code, § 31469.5(a)	Statute	Other	Requires the applicability of this section in the retirement system of a county of the 10th class, as defined by Gov. Code, §§ 28020, 28031, as amended by ch. 1204 of the Statutes of 1971, if the board of supervisors executes a memorandum of understanding with the employee representatives, and if the board of supervisors adopts, by majority vote, a resolution providing for safety status for probation officers, as provided in Gov. Code, § 31469.4.	Bd. of Sups.	Gov. Code, §§ 28020, 28031, 31469.4
Compensation: Retirement	Gov. Code, § 31469.5(b)	Statute	Mandate Other	Provides that the purpose of this section is to provide optional safety status for probation officers employed on or before March 1, 1991. Requires that, notwithstanding Gov. Code, § 31558.6, the optional safety status provision be exercised within 120 days from the effective date of the implementation of Gov. Code, § 31469.4, together with the option to receive credit as a safety member for all or part of the time during which his or her duties would have made him or her eligible to become a safety member, if this section had then been in effect.		Gov. Code, §§ 31558.6, 31469.4
Compensation: Retirement	Gov. Code, § 31469.5(c)	Statute	Other	Requires that the retirement benefits of existing probation officers who elect to transfer from general membership in the county retirement system to safety membership be implemented pursuant to Gov. Code, § 31484.5. Outlines exceptions to the requirement that the retirement benefits of those probation officers that transfer to safety membership be implemented pursuant to Gov. Code, § 31484.5.		Gov. Code, § 31484.5
Compensation: Retirement	Gov. Code, § 31469.5(d)	Statute	Other	Requires the transfer of all probation officers from Tier III to Tier II if they elect to transfer from general membership in the county retirement system to safety membership, regardless of their status prior to selecting Tier III benefits.		
Compensation: Retirement	Gov. Code, § 31469.5(e)	Statute	Other	Requires all persons hired after the effective date of implementation of Gov. Code, § 31469.4, to have, upon retirement, his or her cost-of-living allowance and final compensation computed in accordance with this section.		Gov. Code, § 31469.4

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Appointment and Removal in Mendocino County	Gov. Code, § 69906.5	Statute	Mandate	Provides that notwithstanding Welf. & Inst. Code, § 270, the offices of assistant probation officer and deputy probation officer, or either of them, in Mendocino County, can exist only if established by an ordinance adopted by the board of supervisors. Specifies that the probation officer may appoint one or more deputy or assistant probation officers only if the positions have been authorized by the board of supervisors.	Bd. of Sup.	Welf. & Inst. Code, § 270
Appointment and Removal in Contra Costa County	Gov. Code, § 73357	Statute		Provides that municipal court judicial districts in the county of Contra Costa may have no more than four court probation officers for all districts in total. Requires that the court probation officers be appointed by a majority of the judges of the court, or by the presiding judge in a two-judge court, to which the probation officer is appointed. Specifies that probation officers report directly to the judges of the district to which they are appointed. Gives court probation officers in the Contra Costa county authority to exercise all of the powers within the jurisdiction of the court and under the direction of the judges, and gives the probation officer power to perform all of the duties of a deputy probation officer.	County Judiciary	
	Health & Saf. Code, § 1567.3(a)	Statute	Other	Prevents any licensed community care facility from receiving a ward of the juvenile court as described in Welf. & Inst. Code, § 602, until the probation officer of the county in which the community care facility is located has received written notice of the placement, pursuant to Welf. & Inst. Code, § 740, and other specified information about the ward.		Welf. & Inst. Code, §§ 602, 740
Services: Process	Health & Saf. Code, § 1567.3(b)	Statute	Mandate	Requires the probation officer of a county making an out-of-county placement of a ward of the juvenile court as described in Welf. & Inst. Code, § 602, to notify the probation officer of the county in which the community care facility is located within 24 hours of receipt of the ward by the licensed community care facility. Specifies that the notification be made by the end of the subsequent business day if the ward is received on a weekend or a holiday.		Welf. & Inst. Code, § 602
Services: Process	Health & Saf. Code, § 11361.5	Statute	Other	Subjects the probation department, among other agencies, to a requirement that records of any court, any public or private agency that provides services upon referral under Pen. Code, § 1000.2, or any state agency pertaining to the arrest or conviction of any person for a violation of Health & Saf. Code, § 11357, subd. (b), (c), (d), or (e), or of Health & Saf. Code, § 11360, subd. (b), not be kept beyond two years from the date of the conviction, or from the date of the arrest if there was no conviction, except with respect to a violation of Health & Saf. Code, § 11357, subd. (e), in which case the records should be retained until the offender becomes 18 years of age, at which time the records should be destroyed. Specifies that this records-keeping provision does not apply to records of any arrest not followed by a conviction occurring prior to January 1, 1976.		Pen. Code, § 1000.2; Health & Saf. Code, § 11357(b)–(e)

Probation Services Task Force
Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Health & Saf. Code, § 11361.5	Statute	Other	Provides that any person subject to an arrest or conviction for specified offences may apply to the Department of Justice, following specified procedures provided in Health & Saf. Code, § 11361.5, for destruction of records if two or more years have elapsed since the date of the conviction, or since the date of the arrest if not followed by a conviction. Exempts written transcriptions of oral testimony in court proceedings and published judicial appellate reports from this records-keeping provision. Prevents specified records from being destroyed pursuant to Health & Saf. Code, § 11361.5, subd. (a), if the defendant or a codefendant has filed a civil action against the peace officers or law enforcement jurisdiction that made the arrest or instituted the prosecution, and if the agency that is the custodian of those records has received a certified copy of the civil complaint, until the civil action has finally been resolved .		Health & Saf. Code, § 11361.5
Services: Casework	Pen. Code, § 273.1(b)	Statute	Mandate	Mandates the probation officer to recalendar the case for hearing or refer the defendant to an appropriate alternative child abuser's treatment counseling program if any treatment program to which a child abuser is referred finds that the defendant is unsuitable and the treatment program contacts the probation department or the court.		
Services: Process	Pen. Code, § 859a(b)	Statute	Mandate	Requires the magistrate, upon the receipt of guilty or nolo contendere in felony cases, to refer the case to the probation officer if eligible for probation.		
Services: Process	Pen. Code, § 1000.1	Statute	Mandate Discretionary Other	Directs the prosecuting attorney to advise the defendant and his or her attorney in writing of the prosecuting attorney's determination that ch. 2.5 of the Pen. Code (commencing with § 1000) applies to the defendant, and specifies that such notification include a general explanation of the roles and authorities of the probation department and other agencies. Specifies that the notification include a statement that the court may grant deferred entry of judgment with respect to any crime specified in Pen. Code, § 1000, subd. (a), provided that the defendant pleads guilty to each such charge, waives time for the pronouncement of judgment, successfully completes the program as specified in Pen. Code, § 1000, subd. (c), and upon the positive recommendation of the program authority and the motion of the prosecuting attorney, the court, or the probation department, directs the court to dismiss charges against the defendant.		Ch. 2.5 of Pen. Code (commencing with § 1000); Pen. Code, § 1000(a) and (c)

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Pen. Code, § 1000.1	Statute	Mandate Discretionary Other	Specifies that the notification include a statement that the prosecuting attorney, the probation department, or the court on its own may make a motion to the court for entry of judgment, and requires the court to render a finding of guilt upon any failure of treatment or condition under the program, or any circumstance specified in Pen. Code, § 1000.3. Provides that the court may refer the case to the probation department if the defendant waives his or her right to a speedy trial or preliminary hearing, and obligates the probation department, when directed by the court, to make an investigation to determine whether the defendant is a person who would benefit from education, treatment, or rehabilitation, and which programs the defendant would benefit from and accept, and also mandates the probation department to report its finding and recommendations to the court. Prohibits the admission of any information or statement made by the defendant to the probation officer during the course of any investigation conducted by the probation department, or with respect to the specific offense charged, made after the granting of deferred entry of judgment, in any proceedings, including a sentencing hearing.		Pen. Code, § 1000.3
Services: Process	Pen. Code, § 1001.22	Statute	Other	Directs the court to consult with the prosecutor, the defense counsel, the probation department, and the appropriate regional center to determine whether a defendant may be placed in a diversion-related treatment and rehabilitation program. Directs the court to order the prosecutor, the probation department, and the regional center to prepare reports on specified aspects of the defendant's case when the court suspects that the defendant may be mentally retarded, and when the defendant consents to the diversion process and waives his or her rights to a speedy trial. Specifies that the probation department submit a report on specified aspects of the defendant's case, within 30 judicial days of the court's order, to the court, to each of the agencies involved in the case, and the defendant.	Court; Dist. Atty.; Reg. Center	
Services: Process	Pen. Code, § 1001.23(c)	Statute	Mandate	Mandates the probation department, within five judicial days after receiving the regional center's report on the defendant's progress in the diversion program, to submit its report on the defendant's progress in a dual-agency diversion program, with the regional center's report appended, to the court and to the prosecutor.	Reg. Center	
Services: Process	Pen. Code, § 1001.28(a)	Statute	Mandate	Mandates the probation department to file, every six months, progress reports on the defendant's progress in the diversion program, and to append to its own report a copy of the regional center's assessment of the defendant's progress, in cases where a dual-agency diversion program has been ordered by the court.	Reg. Center	
Services: Process	Pen. Code, § 1001.29(a)	Statute	Other	Names the probation department as one of the agencies that may, in cases where dual-agency diversion has been ordered, and if it appears that the divertee is not meeting the terms and conditions of his or her diversion program, initiate a hearing to reinstitute the diverted criminal proceedings.		
Services: Process	Pen. Code, § 1001.52	Statute	Mandate	Requires that misdemeanor cases be referred to the probation department if the defendant consents and waives his right to a speedy trial. Requires that the probation department conduct investigation to determine whether the defendant qualifies for diversion under Pen. Code, § 1001.51, subd. (a). Specifies that the probation department report to the court on whether the defendant qualifies for diversion and which treatment or rehabilitative plan would benefit the defendant.		Pen. Code, § 1001.51(a)

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Pen. Code, § 1001.72	Statute	Mandate	Mandates that the case be referred to the probation department if the defendant consents and waives his or her right to a speedy trial. Requires the probation department to conduct an investigation to determine whether the defendant qualifies for diversion and whether he or she would benefit by education, treatment, or rehabilitation and which plan would benefit the defendant. Requires that the probation department report its findings and recommendations to the court, including, if the recommendation includes referral to a community program, the program's willingness to accept the defendant and the manner in which the services the program offers can assist the defendant. Precludes any information or statement made by the defendant to the probation officer during the course of any investigation, and prior to the reporting of the probation department's findings and recommendations to the court, from being admitted in any action or proceeding brought subsequent to the investigation.		
Services: Process	Pen. Code, § 1191	Statute	Mandate	Mandates the court to refer a felony case within 20 judicial days after a plea, finding, or verdict of guilty, or after a finding or verdict against the defendant on a plea of a former conviction or acquittal, or once in jeopardy, to the probation officer for the parole eligibility report pursuant Pen. Code, § 1203.		Pen. Code, § 1203
Services: Casework	Pen. Code, § 1191.1	Statute	Mandate	Mandates the probation officer to give adequate notice of all sentencing proceedings concerning the person who committed the crime to the victim, or the parents or guardians of the victim who is a minor, or the next of kin of the victim if the victim has died.		
Services: Process	Pen. Code, § 1191.15(b)	Statute	Other	Allows the probation officer, among other entities, to view and listen to victim statements that have been sealed until the time set for imposition of judgment and sentence not more than two court days prior to the date set for imposition of judgment and sentence.		
Services: Casework	Pen. Code, § 1191.2	Statute	Mandate	Requires that the probation officer provide the victim for whom the probation officer has a current mailing address, and in addition to the notice of all sentencing proceedings concerning the person who committed the crime pursuant to Pen. Code, § 1911.1, with information in written form concerning the victim's right to civil recovery against the defendant; the requirement that the court order restitution for the victim; the victim's right to receive a copy of the restitution order from the court and to enforce the restitution order as a civil judgment; the victim's responsibility to furnish the probation department, district attorney, and court with information relevant to his or her losses; and the victims' opportunity to be compensated from the Restitution Fund if eligible under art. 1 of ch. 5 of pt. 4 of div. 3 of tit. 2 of Gov. Code.		Pen. Code, § 1911.1; Gov. Code, art. 1 of ch. 5 of pt. 4 of div. 3 of tit. 2
Services: Casework	Pen. Code, § 1191.3	Statute	Mandate	Mandates the probation officer to provide, at the time of sentencing in all felony convictions, a general estimate of the conduct and work-time credits to which the defendant may be entitled for previous time served and the conduct or work-time credits authorized under Pen. Code, § 2931, 2933, or 4019. Mandates the probation officer to inform the victim of such general estimate of the credits pursuant to Pen. Code, § 1191.1. Mandates the probation officer to file with the court this estimate, which subsequently becomes a part of the court record.		Pen. Code, §§ 2931, 2933, 4019, 1191.1

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Governance	Pen. Code, § 1202.7	Statute	Other	Makes legislative findings and declarations of the probation services as an essential element in the administration of criminal justice. Identifies safety of the public through the enforcement of court-ordered conditions as the primary goal of probation. Also identifies primary considerations in granting probation as the nature of the offense; the interests of justice, including punishment, reintegration of the offender into the community, and enforcement of conditions of probation; the loss to the victim; the needs of the defendant; and the safety of the public.		
Services: Casework	Pen. Code, § 1202.8(a)	Statute	Other	Assigns persons placed on probation by a court under the supervision of the county probation officer and requires the probation officer to determine both the level and type of supervision consistent with the court-ordered conditions of probation.		
Services: Casework	Pen. Code, § 1202.8(b)	Statute	Mandate	Requires the probation officer to establish, within 30 days of a court making an order to provide restitution to a victim or to the Restitution Fund, an account into which any restitution payments that are not deposited into the Restitution Fund are to be deposited.		
Services: Process	Pen. Code, § 1203(a)	Statute	Other	Defines <i>probation</i> as the suspension of the imposition or execution of a sentence and the order of conditional and revocable release in the community under the supervision of a probation officer. Defines <i>conditional sentence</i> as the suspension of the imposition or execution of a sentence and the order of revocable release in the community subject to conditions established by the court without the supervision of a probation officer. Makes a legislative declaration that both conditional sentence and probation are authorized whenever probation is authorized in any code as a sentencing option for infractions or misdemeanors.		
Services: Process	Pen. Code, § 1203(b)	Statute	Mandate	Mandates the court to refer the case, before judgment is pronounced, to a probation officer for an investigation and a report regarding the circumstances surrounding the crime and the prior history and record of the person who is convicted of felony and who is eligible for probation, except as provided in Pen. Code, § 1203(j). Requires that the probation officer immediately investigate and make a written report to the court. Specifies that the probation officer's report include recommendations as to whether probation should be granted or denied and the conditions of probation if it is granted; any information gathered by a law enforcement agency relating to the taking of the defendant into custody as a minor for the purpose of determining whether adjudications of commissions of crimes as a juvenile warrant a finding that there are circumstances in aggravation pursuant to Pen. Code, § 1170; a recommendation regarding an amount that the defendant should be required to pay as a restitution fine pursuant to Pen. Code, § 1202.4, subd. (b); and a recommendation whether restitution to the victim or to the Restitution Fund should be a condition of probation.		Pen. Code, §§ 1203(j), 1170, 1202.4(b)

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Pen. Code, § 1203(b)	Statute	Mandate	Requires that the probation report be made available to the court, the prosecution, and defense attorneys at least five days, or upon request of the defendant or prosecuting attorney, nine days, prior to the time set for the hearing of the report, unless waived by written stipulation of the prosecuting and defense attorneys that is filed with the court or an oral stipulation in open court that is made and entered into the minutes of the court. Provides that the report be filed with the court clerk at the time of the hearing to determine the application and suitability of probation in the particular case. States that the court may place the person on probation if it determines that there are circumstances in mitigation of the punishment prescribed by law or that the ends of justice would be served by granting probation to the defendant.		
Services: Casework	Pen. Code, § 1203(c)	Statute	Mandate	Requires that the probation officer discuss the contents of the probation report with the defendant if a defendant is not represented by an attorney.		
Services: Process	Pen. Code, § 1203(d)	Statute	Other	States that the court may refer a misdemeanor case that resulted in conviction to the probation officer for an investigation and a report. States that if the case is not referred to the probation officer, the court may consider any information during sentencing that could have been included in a probation report.		
Services: Process	Pen. Code, § 1203(e)	Statute	Other	Specifies that probation cannot be granted to any person convicted of committing a serious and violent crime with a deadly weapon, third-strike felony, or specified sex offense; to any public official or police officer who accepted or gave a bribe, embezzled public money, or was guilty of extortion; any person who knowingly furnished or gave away phencyclidine; and any person convicted of other designated serious and violent felonies.		
Services: Process	Pen. Code, § 1203(g)	Statute	Mandate	Mandates the judge to refer the case to the probation officer for an investigation of the facts relevant to determination of the amount of a restitution fine pursuant to Pen. Code, § 1202.4, subd. (b), in all cases where such determination is applicable. Requires the probation officer to immediately investigate the circumstances surrounding the crime and the prior record and history of the person and to make a written report, including a recommendation of the amount of the restitution fine, to the court.		Pen. Code, § 1202.4(b)
Services: Process	Pen. Code, § 1203(h)	Statute	Discretionary	Provides that the probation officer may obtain and include in the report a statement of the comments of the victim concerning the offense, unless directed by the court otherwise, if a defendant is convicted of a felony and a probation report is prepared pursuant to Pen. Code, § 1203, subd. (b) or (g).		Pen. Code, § 1203(b) or (g)
Services: Process	Pen. Code, § 1203(i)	Statute	Mandate	Prohibits release of any probationer to another state unless his or her case has been referred to the administrator of Interstate Probation and Parole Compacts, pursuant to the Uniform Act for Out-of-State Probationer or Parolee Supervision (art. 3 (commencing with § 11175) of ch. 2 of tit. 1 of pt. 4), and the probationer has reimbursed the county that has jurisdiction over the probationer's case the reasonable costs of processing the probationer's request for interstate compact supervision in accordance with Pen. Code, § 1203.1b.	Interstate Compact Administrator	Pen. Code, §§ 11175, 1203.1b

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Pen. Code, § 1203(j)	Statute	Other	Specifies that the court may order the defendant to appear before the county financial evaluation officer for a financial evaluation of the defendant's ability to pay restitution, and that such court order can be enforced as a violation of the terms and conditions of probation upon willful failure to pay, or it can be enforced in the same manner as a judgment in a civil action if any balance remains unpaid at the end of the defendant's probationary period.		
Services: Process	Pen. Code, § 1203(k)	Statute	Other	Specifies that probation cannot be granted to any person who is convicted of a violent felony as defined in Pen. Code, § 667.5, subd. (c), or a serious felony as defined in Pen. Code, § 1192.7, subd. (c), and who was on probation for a felony offense at the time of the commission of the new felony offense.		Pen. Code, §§ 667.5(c), 1192.7(c)
Services: Process	Pen. Code, § 1203.016(a)	Statute	Other	Provides that the board of supervisors of any county may authorize the correctional administrator, which includes a probation officer, to offer a program under which minimum security inmates and low-risk offenders committed to a county correctional facility or granted probation, or inmates participating in a work furlough program, may voluntarily participate in a home detention program during their sentence in lieu of confinement in the county correctional facility or program under the auspices of the probation officer.	Bd. of Sups.	
Governance	Pen. Code, § 1203.016(h)	Statute	Other	Defines <i>correctional administrator</i> , for the purposes of Pen. Code, § 1203.016, and specifies the probation officer as one of the entities included in the definition.		
Services: Process	Pen. Code, § 1203.016(j)	Statute	Other	Provides that the correctional administrator, with the approval of the board of supervisors, may administer a home detention program pursuant to a written contract with appropriate public or private agencies or entities to provide specified program services. Prohibits any public or private agency, with the exception of the California Department of Corrections or the Department of the Youth Authority as established in Pen. Code, § 3004, from operating a home detention program in any county without a written contract with that county's correctional administrator. Places all privately operated home detention programs under the jurisdiction of, and subject to the terms and conditions of the contract entered into with, the correctional administrator. Specifies provisions that are required to be included in the contract between any privately operated home detention program and the correctional administrator.	Bd. of Sups.; CDC; YA	Pen. Code, § 3004
Services: Process	Pen. Code, § 1203.016(j)	Statute		Mandates the correctional administrator, the board of supervisors, and the designee of the correctional administrator to comply with Gov. Code, § 1090, in the consideration, making, and execution of contracts pursuant to Pen. Code, § 1203.016. Specifies that the failure of the private agency or entity to comply with statutory provisions and requirements or with the standards established by the contract and with the correctional administrator may be sufficient cause to terminate the contract. Mandates the correctional administrator, upon the discovery that a private agency or entity with whom there is a contract is not in compliance, to give 60 days' notice to the director of the private agency or entity that the contract may be cancelled if the specified deficiencies are not corrected, and specifies that shorter notice may be given or the contract may be cancelled without notice whenever a serious threat to public safety is present.	Bd. of Sups.	Gov. Code, § 1090

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Pen. Code, § 1203.03(c)	Statute	Discretionary	Provides that the probation officer may retain a copy of the diagnosis and recommendations report concerning the disposition of a defendant's case, prepared by the director of the Department of Corrections, for the purpose of supervision of the defendant if the defendant is placed on probation by the court. Requires the probation officer to return the copy of the report to the sealed file upon the completion or termination of probation.	Dept. of Correct.	
Services: Process	Pen. Code, § 1203.05	Statute	Other	Provides guidelines as to how any report of the probation officer filed with the court, including any report arising out of a previous arrest of the person who is the subject of the report, may be inspected or copied.		
Services: Process	Pen. Code, § 1203.067	Statute	Other	Mandates the court to do the following before granting probation to any person convicted of specified molestation or sexual felony: order the defendant evaluated by the probation department pursuant to Pen. Code, § 1203.03; conduct a hearing at the time of sentencing to determine if probation of the defendant would pose a threat to the victim; and order a psychiatrist or psychologist, appointed pursuant to Pen. Code, § 288.1, to include a consideration of the threat to the victim and the defendant's potential for positive response to treatment, when treatment has been ordered as a condition of probation.		Pen. Code, §§ 1203.03, 288.1
Services: Casework	Pen. Code, § 1203.10	Statute	Mandate	Mandates the probation officer, when directed by the court, to inquire into the antecedents, character, history, family environment, and offense of the defendant over 18 years of age at the time of the plea or verdict of guilty, and provides that the probation officer must report his or her findings to the court, including a recommendation for or against the defendant on probation, and must file the report in writing in the records of such court. Mandates the probation officer to keep a complete and accurate record in writing, which is part of the court record and is required to made available to the court and other specified parties, of the history of the case in court, the name of the probation officer and his or her act in connection with said case, specified data about the person committed to probation officer's care, and the result of such probation. Specifies that the probation officer may destroy any records and papers in his or her possession relating to such case five years after termination of probation.		
Services: Process	Pen. Code, § 1203.1(a)	Statute	Other	Specifies that in the order granting probation, the court may suspend the imposition or execution of the sentence. Provides that the court may imprison the defendant in a county jail for a period not exceeding the maximum time fixed by law in the case in the order granting probation. States that the court may impose either imprisonment in a county jail or a fine, both, or neither in connection with granting probation, and may require bonds for the faithful observance and performance of any or all of the conditions of probation.		
Services: Process	Pen. Code, § 1203.1(b)	Statute	Other	Mandates the court to consider whether the defendant, as a condition of probation, be required to make restitution to the victim or the Restitution Fund. Outlines procedures for handling restitution payments received by the probation department and restitution disbursements to crime victims and prohibits delay of restitution disbursement beyond 180 days from the date the payment is received by the probation department.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Pen. Code, § 1203.1(c)	Statute	Other	States that the court may place the probationer in road camp, farm, or other public work instead of in jail in cities or counties where such possibilities exist, and that if the probationer is placed in road camp or other public work, Gov. Code, § 25359, is to be applied to probation, and the court has the same power to require adult probationers to work, as prisoners confined in the county jail are required to work, at public work.		Gov. Code, § 25359
Services: Process	Pen. Code, § 1203.1(d)	Statute	Other	States that the court may place the probationer in road camp, farm, or other public work instead of in jail in cities or counties where such possibilities exist, and that if the probationer is placed in road camp or other public work, Gov. Code, § 25359, is to be applied to probation, and the court has the same power to require adult probationers to work, as prisoners confined in the county jail are required to work, at public work.		
Services: Process	Pen. Code, § 1203.1(e)	Statute	Other	Requires the court to consider whether the defendant, as a condition of probation, be required to make restitution to a public agency for the costs of an emergency response pursuant to art. 8 (commencing with § 53150) of ch. 1 of pt. 1 of div. 2 of Gov. Code.		Gov. Code, § 53150
Services: Process	Pen. Code, § 1203.1(g)	Statute	Other	Requires the court and the prosecuting attorney to consider whether any defendant who has been convicted of a specified nonviolent or nonserious offense and ordered to participate in community service as a condition of probation shall be required to engage in the removal of graffiti in the performance of the community service.		
Services: Casework	Pen. Code, § 1203.1(h)	Statute	Mandate	Mandates the probation officer or probation officer's designated representative to consider whether any defendant who has been convicted of a nonviolent and nonserious offense and ordered to participate in community service as a condition of probation be required to engage in the performance of house repairs or yard services for senior citizens.		
Services: Casework	Pen. Code, § 1203.1(i)(2)	Statute	Other	Specifies that the court may order, as a condition of probation, at the request of the victim or in the court's discretion, that the defendant, who has been convicted of any sex offense subject to the registration requirements of Pen. Code, § 290, stay away from the victim and the victim's residence or place of employment, and that the defendant have no contact with the victim in person, by telephone or electronic means, or by mail.		Pen. Code, § 290
Services: Process	Pen. Code, § 1203.1(j)	Statute	Other	Requires the court to place the defendant or probationer in and under the charge of the probation officer of the court, for the period or term fixed for probation, upon the defendant's being released from the county jail in all cases where confinement in a county jail has not been a condition of the grant of probation. Specifies that the probationary period ceases upon the payment of any fine imposed and the fulfillment of all conditions of probation. Requires that probationer's fingerprints be taken and a record of them kept and preserved in counties and cities in which there are facilities for taking fingerprints.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Funding	Pen. Code, § 1203.1(k)	Statute	Other	Requires that all fines collected by a county probation officer as a condition of the granting of probation or as a part of the terms of probation be paid into the county treasury and placed in the general fund for the use and benefit of the county, except as specified.		Gov. Code, § 13967
Services: Casework	Pen. Code, § 1203.1a	Statute	Discretionary	Permits the probation officer of the county to authorize, within 30 days prior to the inmate's release date, the temporary removal under custody or temporary release without custody of any inmate of the county jail, honor farm, or other detention facility who is confined or committed as a condition of probation, after suspension of imposition of sentence or suspension of execution of sentence, for purposes preparatory to the inmate's return to the community.		
Services: Casework	Pen. Code, § 1203.1abc(b)	Statute	Discretionary	Authorizes the probation officer to use volunteers from the community to provide assistance to probationers under Pen. Code, § 1203.1abc.		
Services: Process	Pen. Code, § 1203.1abc(d)	Statute	Discretionary	Authorizes the county probation department, with the exception of the probation department of Los Angeles county, to use the volunteer services of a local college or university in evaluating the effectiveness of the program that is designed to assist convicted felons in obtaining the equivalent of a twelfth-grade education.	Local College or University	
Services: Process	Pen. Code, § 1203.1b(a)	Statute	Mandate Other	Mandates the probation officer or probation officer's representative, whether or not probation supervision is ordered by the court, to determine the ability of the defendant to pay all or a portion of the reasonable cost of any probation supervision or a conditional sentence; of conducting any preplea investigation and preparing any preplea report pursuant to Pen. Code, § 1203.7 or § 1203; and of processing a jurisdictional transfer pursuant to § 1203.9 or of processing a request for interstate compact supervision pursuant to any of Pen. Code, §§ 11175–11179. Specifies that the reasonable cost of these services and of probation supervision or a conditional sentence cannot exceed the amount determined to be the actual average cost, and mandates the probation department in each county to develop, and the presiding judge of the superior court to approve, a payment schedule for the reimbursement of the costs of preplea or presentence investigations based on income. Requires the court to order the defendant to appear before a probation officer or probation officer's representative to inquire into the defendant's ability to pay such costs.		Pen. Code, §§ 1203, 1203.7, 1203.9, 11175–11179
Services: Process	Pen. Code, § 1203.1b(a)	Statute	Mandate Other	Mandates the probation officer to inform the defendant that he or she is entitled to a hearing, which includes the right to counsel, in which the court is required to make a determination of the defendant's ability to pay and the payment amount, and states that the defendant must waive the right to a determination by the court of his or her ability to pay and the payment amount by a knowing and intelligent waiver.		
Services: Process	Pen. Code, § 1203.1b(b)	Statute	Mandate	Mandates the probation officer to refer any case, where the defendant fails to waive the right provided in Pen. Code, § 1203.1b, subd. (a), to a determination by the court of the ability to pay and the payment amount, to the court for the scheduling of a hearing to determine the amount of payment and the manner in which the payments should be made. Requires the court to state on the record reasons regarding the court order concerning the defendant's ability to pay if the court's order differs from the determination of the probation officer.		Pen. Code, § 1203.1b(a)

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Pen. Code, § 1203.1b(c)	Statute	Other	States that the court may hold additional hearings during the probationary or conditional sentencing period to review the defendant's financial ability to pay the amount set by the probation officer or the court.		
Services: Casework	Pen. Code, § 1203.1b(d)	Statute	Mandate	Mandates the court or the probation officer to set payments, if applicable, pursuant to Pen. Code, § 1203.1b, subds. (a) and (b), to be made on a monthly basis.		Pen. Code, § 1203.1b(a) and (b)
Services: Process	Pen. Code, § 1203.1b(e)	Statute	Other	Defines the term <i>ability to pay</i> as the defendant's overall capability to reimburse various costs, including the cost of presentence investigation and preparation of the preplea or presentence report by the probation officer.		
Services: Process	Pen. Code, § 1203.1b(f)	Statute	Mandate Other	Provides that the defendant at any time during the pendency of the judgment rendered according to the terms of Pen. Code, § 1203.1b, has a right to petition the probation officer or the rendering court for a review of the defendant's financial ability to pay on the grounds of a change of circumstances with regard to the defendant's ability to pay the judgment. Mandates the court and the probation department to inform the defendant about this right at the time judgment is rendered.		Pen. Code, § 1203.1b
Funding	Pen. Code, § 1203.1b(g)	Statute	Other	Allocates all sums paid by defendants pursuant to Pen. Code, § 1203.1b, for the operation of the county probation department.		Pen. Code, § 1203.1b
Funding	Pen. Code, § 1203.1b(h)	Statute	Other	Provides that the board of supervisors in any county may by resolution establish a fee not to exceed \$50 for the processing of payments made in installments to the probation department pursuant to Pen. Code, § 1203.1b.	Bd. of Sups.	Pen. Code, § 1203.1b
Services: Casework	Pen. Code, § 1203.1bb(a)	Statute	Mandate	Mandates the probation officer or his or her authorized representative to make a determination of the ability of the defendant to pay all or a portion of the reasonable cost incurred by the probation department when conducting activities specified in Pen. Code, §§ 1203.7, 1203, 1203.9, 11175–11179 inclusive, in any case in which a defendant is convicted of an offense and is the subject of any preplea or presentence investigation and report, whether or not probation supervision is ordered by the court, and in any case in which a defendant is granted probation or given a conditional sentence. Provides that the reasonable cost cannot exceed the amount determined to be the actual average cost. Mandates the probation department of each county to develop a payment schedule for the reimbursement of the costs of preplea or presentence investigations based on income, which is to be approved by the presiding judge.		Pen. Code, §§ 1203, 1203.7, 1203.9, 11175–11179
Services: Casework	Pen. Code, § 1203.1bb(a)	Statute	Mandate	Mandates the probation officer, or his or her authorized representative, to determine the amount of payment and the manner in which the payments are to be made to the county, based upon the defendant's ability to pay. Mandates the probation officer to inform the defendant that the defendant is entitled to a hearing, which includes the right to counsel, in which the court will make a determination of the defendant's ability to pay and the payment amount. Specifies that the defendant must waive the right to a determination by the court by a knowing and intelligent waiver.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Pen. Code, § 1203.1bb(b)	Statute	Mandate	Mandates the probation officer to refer the matter to the court for the scheduling of a hearing to determine the amount of payment and the manner in which the payments are to be made in cases where the defendant fails to waive the right provided in Pen. Code, § 1203.1bb, subd. (a), to a determination by the court of his or her ability to pay and the payment amount.		Pen. Code, § 1203.1bb(a)
Services: Process	Pen. Code, § 1203.1bb(e)	Statute	Other	Defines the term <i>ability to pay</i> as the overall capability of the defendant to reimburse the cost, or a portion of the cost, of conducting the presentence investigation, preparing the preplea or presentence report, processing a jurisdictional transfer pursuant to Pen. Code, § 1203.9, processing requests for interstate compact supervision pursuant to Pen. Code, §§ 11175–11179 inclusive, and probation supervision or conditional sentencing. Specifies other additional information that is required to be included in the determination of the ability to pay.		Pen. Code, §§ 1203.9, 11175–11179
Services: Process	Pen. Code, § 1203.1bb(f)	Statute	Mandate	Mandates the probation officer and the court to advise the defendant of the right to petition the probation officer for a review of the defendant's financial ability to pay at the time of rendering of the terms of probation or the judgment.		
Funding	Pen. Code, § 1203.1bb(g)	Statute	Other	Requires all sums paid by a defendant pursuant to this section to be allocated for the operating expenses of the county probation department.		
Services: Process	Pen. Code, § 1203.11	Statute	Other	Authorizes the probation officer, among other entities, to serve any process regarding the issuance of a temporary restraining order or other protective order against a person committed to the care of the probation or parole officer or parole agent when the person appears for an appointment with the probation officer at his or her office.		
Services: Casework	Pen. Code, § 1203.12	Statute	Mandate	Directs the probation officer to furnish every person who has been released on probation under his or her supervision with a written statement of the terms and conditions of probation, unless the court has furnished such a statement. Requires that the probation officer report to the court or a judge any violation or breach of the terms and conditions imposed by such court on the person placed in the probation officer's care.		
Prevention	Pen. Code, § 1203.13	Statute	Discretionary	Allows the probation officer of any county to establish, or assist in the establishment of, any public council or committee having as its object the prevention of crime. Permits the probation officer to cooperate with or participate in the work of any such councils or committees for the purpose of preventing or decreasing crime, including the improvement of recreational, health, and other conditions in the community.	Community	
Prevention	Pen. Code, § 1203.14	Statute	Discretionary	Allows probation departments to engage in activities, including the rendering of direct and indirect services to persons in the community, designed to prevent adult delinquency. Specifies that probation departments not be limited to provision of services only to those persons on probation being supervised under Pen. Code, § 1203.10, and that probation departments may provide services to any adults in the community.		Pen. Code, § 1203.10

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Pen. Code, § 1203.2(a)	Statute	Discretionary	Permits any probation or peace officer to rearrest and bring before the court without a warrant, at any time during the probationary period and at any time until the final disposition of the case, any person released on probation under the care of the probation officer or any person released on conditional sentence or summary probation not under the care of a probation officer if he or she has probable cause to believe that the probationer is violating any term or condition of the probation or the conditional sentence.		
Services: Process	Pen. Code, § 1203.2a	Statute	Discretionary Mandate	Provides that the probation officer may, upon learning of the defendant's imprisonment, and must, within 30 days after being notified in writing by the defendant or his or her counsel or the warden or duly authorized representative of the prison in which the defendant is confined, report such commitment to the court that released him or her on probation.		
Services: Process	Pen. Code, § 1203.4(d)	Statute	Mandate	Mandates the probation officer to notify the prosecuting attorney when a petition for relief, pursuant to Pen. Code, § 1203.4, is filed.		Pen. Code, § 1203.4
Governance	Pen. Code, § 1203.5	Statute	Other	Creates the offices of adult probation officer, assistant adult probation officer, and deputy adult probation officer. Defines the probation officers, assistant probation officers, and deputy probation officers appointed in accordance with ch. 2 of div. 2 of pt. 1 of Welf. & Inst. Code as ex officio adult probation officers, assistant adult probation officers, and deputy adult probation officers, except in any county or city and county whose charter provides for the separate office of adult probation officer. Specifies that an adult probation officer perform the duties of the probation officer, except for matters under the jurisdiction of the juvenile court, where the separate office of adult probation officer has been established. Permits any adult probation officer to accept appointment as a member of the Board of Corrections in addition to duties as an adult probation officer.		Welf. & Inst. Code, ch. 2 of div. 2 of pt.1
Appointment and Removal	Pen. Code, § 1203.6	Statute	Mandate	Requires that the adult probation officer be appointed, and that her or she may be removed for good cause, by the judge of the superior court or, in a county with two superior court judges, by the judge who is senior in point of service, or in a superior court of more than two judges, by a majority of the judges. Provides that the board of supervisors in each county establish the salary of the probation officer. Grants the adult probation officer authority to appoint and remove all assistants, deputies, and other persons employed in his or her department and requires that the compensation be established according to the merit system or civil service system provisions of the county or, if neither merit nor civil service system exist in the county, according to the guidelines established by the county board of supervisors.	Local Judiciary; Bd. of Sups.	

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Pen. Code, § 1203.7	Statute	Mandate	Mandates the probation officer to inquire into the antecedents, character, history, family environment, and offense of any person over 16 years of age either at the time of the arrest or at the time of the plea or verdict of guilty when the probation officer is directed to do so by the court. Requires the probation officer to include his or her recommendation for or against the release of the person on probation in the report. Mandates the probation officer to keep a complete and accurate record in suitable books of specified information in connection with the case, and specifies that such record constitute a part of the records of the court and as such is open for inspection at all times to specified persons. Authorizes the probation officer to destroy any records and papers relating to any case five years after termination of probation. Mandates the probation officer to furnish each person released on probation to the probation officer's care a written statement of the terms and conditions of probation, and requires the probation officer to report to the court any violation or breach of the terms and conditions of probation.		
Governance	Pen. Code, § 1203.71	Statute	Discretionary Other	Authorizes a deputy probation officer to perform any of the duties of the probation officer, and mandates the deputy probation officer to perform any of such duties whenever detailed to perform those by the probation officer. Makes it a duty of the probation officer to see that the deputy probation officer performs his or her duties. Provides that the probation officer and each deputy probation officer should have, with respect to the person committed to the care of the probation officer or deputy probation officer, the powers of a peace officer. Specifies that the probation officers and deputy probation officers are to serve as such probation officers in all courts having original jurisdiction over criminal actions in this state.		
Funding	Pen. Code, § 1203.73	Statute	Other	Provides that the probation officers and deputy probation officers in all counties of the state are allowed such necessary incidental expenses incurred in the performance of their duties as may be authorized by a judge of the superior court, which should be a charge upon the county. Specifies that in counties in which the probation officer is appointed by the board of supervisors, the expenses are to be authorized by the probation officer and audited and paid in the same manner as other county claims.		
Funding	Pen. Code, § 1203.74	Statute	Mandate	Mandates the probation officer to notify immediately the presiding judge of the superior court and the board of supervisors of the county in writing upon a determination that, in his or her opinion, staff and financial resources available to him or her are insufficient to meet statutory or court ordered responsibilities. Specifies that the notification should explain which responsibilities cannot be met and what resources are necessary in order that statutory or court-ordered responsibilities can be properly discharged.	Local Judiciary; Bd. of Sup.	

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Pen. Code, § 1203.9	Statute	Mandate Other	Provides that whenever any person is released on probation, the case may be transferred to any court of the same rank in any other county in which the person resides permanently, meaning the stated intention to remain for the duration of probation. Mandates the probation department and the court to give the matter of investigating such intercounty transfers precedence over all actions or proceedings, with the exception of actions or proceedings to which special precedence is given by law. Specifies that a copy of the transfer order and an order for reimbursement of reasonable costs for processing the transfer to be paid to the sending county in accordance with Pen. Code, § 1203.1b, are required to be transmitted to the court and probation officer of the receiving county within two weeks of the finding by that county that the person does permanently reside in or has permanently moved to that county.		Pen. Code, § 1203.1b
Services: Process	Pen. Code, § 1203c	Statute	Mandate	Provides that whenever a person is committed to an institution under the jurisdiction of the Department of Corrections, whether probation has been applied for or not, it is a duty of the probation officer of the county from which the person is committed to send to the Department of Corrections a probation report prepared in the form prescribed by the administrator following consultation with the Board of Corrections, in addition to commitment papers, as may be required by the administrator of the Youth and Adult Corrections Agency.	Bd. of Correct.; Adm. of Youth and Adult Correct. Agency	
Services: Process	Pen. Code, § 1203d	Statute	Mandate Other	Prevents the court from pronouncing judgment upon any defendant for whom the court has requested a probation report pursuant to Pen. Code, § 1203.10, unless a copy of the probation report has been made available to the court, the prosecuting attorney, and the defendant or defendant's attorney at least two days or, if requested by the defendant, five days prior to the hearing and consideration of the report. Mandates the court to order the probation officer preparing the report to discuss its contents with the defendant who is not represented by an attorney. Provides that the sentence recommendations of the report be available to the victim, or the victim's next of kin if the victim has died, through the district attorney's office, and that the victim or victim's next of kin be informed of the availability of this information through the notice provided pursuant to Pen. Code, § 1191.1.		Pen. Code, §§ 1203.10, 1191.1
Services: Process	Pen. Code, § 1208.2(a)(1)	Statute	Other	Provides that this section applies to individuals authorized to participate in a work furlough program pursuant to Pen. Code, § 1208, or to individuals authorized to participate in an electronic home detention program pursuant to Pen. Code, § 1203.016, or to individuals authorized to participate in a county parole program pursuant to art. 3.5 (commencing with Pen. Code, § 3074) of ch. 8 of tit. 1 of pt. 3.		Pen. Code, §§ 1208, 1203.016, 3074
Governance	Pen. Code, § 1208.2(a)(2)	Statute	Other	Includes the probation officer in the definition of <i>administrator</i> as used in this section.		
Services: Process	Pen. Code, § 1208.2(c)	Statute	Mandate	Prohibits the correctional administrator, including the probation officer or his or her designee, from having access to a person's financial data prior to the granting or denial of a person's participation in, or assignment of a person to, any of the programs governed by this section.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Pen. Code, § 1208.2(d)	Statute	Mandate	Prohibits the correctional administrator, including the probation officer or his or her designee, from considering a person's ability or inability to pay all or a portion of the program fee for the purposes of granting or denying a person's participation in, or assigning a person to, any of the programs governed by this section.		
Services: Casework	Pen. Code, § 1208.2(f)	Statute	Discretionary	Gives the correctional administrator, including the probation officer or his or her designee, authority to charge a person the fee set by the board of supervisors, or any portion of the fee, and authority to determine the method and frequency of payment. Specifies that any fee that the administrator or his or her designee charges cannot be in excess of the fee set by the board of supervisors and must be based on the person's ability to pay. Gives the correctional administrator, including the probation officer or his or her designee, authority to waive the fees for program supervision when deemed necessary, justified, or in the interests of justice. Specifies that the fees charged for program supervision may be modified or waived at any time based on the changing financial position of the person.		
Services: Process	Pen. Code, § 1208.2(h)	Statute	Mandate	Mandates the correctional administrator, including the probation officer or his or her designee, to advise the appropriate court whenever the person and the administrator or his or her designee are unable to come to agreement regarding the person's ability to pay, or the amount that is to be paid, or the method and frequency with which payment is to be made.		
Services: Process	Pen. Code, § 1208.2(i)	Statute	Mandate	Mandates the correctional administrator, including the probation officer or his or her designee, to furnish the person who is approved for any of the programs to which this section applies with a written statement of the person's rights in regard to the program for which the person has been approved.		
Services: Process	Pen. Code, § 1208.2(j)	Statute	Mandate	Mandates the program administrator, including the probation officer or his or her designee, to include the provisions of this section within any contractual agreement with a private agency or entity as described in Pen. Code, §§ 1203.016, 1208.		Pen. Code, §§ 1203.016, 1208
Services: Casework	Pen. Code, § 1208.3	Statute	Other	Provides that the administrator, including the probation officer, is not prohibited by Pen. Code, § 1208.2, subd. (c), from verifying that the prisoner is receiving wages at a rate of pay not less than the prevailing minimum wage requirement as provided for in Pen. Code, § 1208, subd. (c), that the prisoner is working a specified minimum number of required hours, and that the prisoner is covered under an appropriate or suitable worker's compensation insurance plan.		Pen. Code, §§ 1208(c), 1208.2(c)
Services: Process	Pen. Code, § 1210.1(a)	Statute	Other	Entitles any person convicted of a nonviolent drug possession offense to receive probation, except as provided in Pen. Code, § 1210.1, subd. (b). Makes it mandatory for the court to require participation in and completion of an appropriate drug treatment program as a condition of probation, and allows the court to order participation in vocational training, family counseling, literacy training, and/or community service, and prohibits the court from imposing incarceration as an additional condition of probation.		Pen. Code, § 1210.1(b)
Services: Process	Pen. Code, § 1210.1(b)	Statute	Other	Specifies which categories of defendants are excluded from Pen. Code, § 1210.1, subd. (a), applicability.		Pen. Code, § 1210(a)

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Pen. Code, § 1210.1(c)	Statute	Mandate Other	Mandates the probation department, within seven days of an order imposing probation under Pen. Code, 1210.1, subd. (a), to notify the drug treatment provider designated to provide treatment of an order imposing probation. Provides that the probation department may move the court to modify the terms of probation if the treatment provider notifies the probation department that the defendant is unamenable to the drug treatment provided but may be amenable to other drug treatments or related programs, and provides that probation may be revoked if the treatment provider notifies the probation department that the defendant is unamenable to the drug treatment provided and all other forms of drug treatment programs pursuant to Pen. Code, § 1210, subd. (b). Specifies that drug treatment as a condition of probation may not exceed 12 months, and that additional aftercare services as a condition of probation may be required for up to 6 months.	Drug Treatment Provider	Pen. Code, § 1210.1(a) and (b)
Services: Process	Pen. Code, § 1210.1(d)	Statute	Other	Outlines procedures for the court dismissal of charges upon successful completion of drug treatment.		
Services: Casework	Pen. Code, § 1210.1(e)	Statute	Other	Provides for incarceration of the defendant if probation is revoked pursuant to Pen. Code, § 1210.1, subd. (e). Provides that the court may modify or revoke probation if it is proved that the defendant committed a non-drug-related probation violation, and requires the court to conduct a hearing to determine whether probation should be revoked. Requires the court to conduct a hearing to determine whether probation should be revoked in a case where the defendant has committed a drug-related violation of probation for the first or second time, and mandates the court to revoke probation if the alleged probation violation is proved and the state proves by a preponderance of the evidence that the defendant poses a danger to the safety of others or that the defendant is unamenable to drug treatment. Provides that the court may intensify or alter the drug treatment plan or impose as an additional condition participation in a drug treatment program if probation is not revoked upon defendant's drug-related probation violation.		
Services: Casework	Pen. Code, § 1210.1(e)	Statute	Other	States that if a defendant for the third time violates probation either by committing a nonviolent drug possession offense or by violating a drug-related condition of probation, the court is required to conduct a hearing to determine whether probation shall be revoked, and if the alleged probation violation is proved, the defendant is not eligible for continued probation under Pen. Code, § 1210.1, subd. (a).		Pen. Code, § 1210.1(a)
Services: Casework	Pen. Code, § 1210.1(f)	Statute	Other	Specifies that the term <i>drug-related condition of probation</i> includes a probationer's specific drug treatment regimen, employment, vocational training, educational programs, psychological counseling, and family counseling.		
Services: Casework	Pen. Code, § 1210.5	Statute	Other	Mandates that any court-ordered drug testing should be used as a treatment tool in a case where a person has been ordered to undergo drug treatment as a condition of probation. States that when evaluating a probationer's treatment program, results of any drug testing cannot be given greater weight than any other aspects of the probationer's individual treatment program.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Pen. Code, § 1215	Statute	Other	Provides that if the defendant over the age of 16 years has been placed under the care and supervision of the probation officer upon the court's order, he or she is required to remain under the care and supervision of the probation officer of the court committing the defendant until the expiration of the period of probation and the compliance with the terms and conditions of the sentence, or until the suspension of the sentence.		
Services: Process	Pen. Code, § 3415	Statute	Mandate	Mandates the probation department to notify, no later than the day sentence is pronounced, any woman sentenced to the state prison whose term does not exceed six years on the basis of either the probable release or parole date computed as if the maximum amount of good time credit would be granted, of a community treatment program under which women inmates who have one or more children under the age of six years can be released to a public or private facility in the community suitable to the needs of the mother and the child or children and which will provide the best possible care for the mother and the child. Upon receipt of the woman inmate's notice of her desire to be admitted to such program, requires the probation department or the defendant to transmit such notice to the Department of Corrections and to the appropriate local social services agency that conducts dependency hearings and investigations for child neglect.	Dept. of Correct.; Local Social Service Agency	
Services: Process	Pen. Code, § 13020	Statute	Other	States that the duty of every probation officer dealing with crimes or criminals or with delinquency or delinquents is to install and maintain records needed for the correct reporting of statistical data required by him or her when requested by the attorney general, to report statistical data to the department at those times and in the manner that the attorney general prescribes, and to give to the attorney general or the attorney general's accredited agent access to statistical data for the purpose of carrying out Pen. Code, tit. 3, "Criminal Statistics" (commencing with § 13000).	Atty. General	Pen. Code, tit. 3, ch. 2, § 1300 et seq.
Governance	Welf. & Inst. Code, § 202.5	Statute	Mandate	Mandates the duties of the probation officer to be deemed social service with respect to minors alleged or adjudged to be dependent children of the court as described by Welf. & Inst. Code, § 300, whether or not the board of supervisors delegated to the county welfare department all or part of such duties of the probation officer pursuant to Welf. & Inst. Code, § 272. States that the probation officer's social service duties to such dependent children of the court are subject to the administration, supervision, and regulations of the State Department of Social Services.	Bd. of Sups.; Dept. of Social Services	Welf. & Inst. Code, §§ 272, 300
Facilities	Welf. & Inst. Code, § 207.5	Statute	Other	Makes it a misdemeanor for anyone to misrepresent or falsely identify himself or herself either verbally or by presenting any fraudulent written instrument to any probation officer, among other specified entities, for the purpose of securing admission to the premises or grounds of any juvenile hall, ranch, or camp, or to gain access to any minor detained there, and who would not otherwise qualify for admission or access.		
Governance	Welf. & Inst. Code, § 240	Statute	Other	Sets up a probation commission consisting of not less than seven members to be appointed by the same authority authorized to appoint the probation officer, in lieu of a county juvenile justice commission in counties with a population in excess of 6 million.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Governance	Welf. & Inst. Code, § 241	Statute	Other	Provides that the members of a probation commission appointed and holding office under prior provisions of law on January 1, 1997, should continue in office and should be members of the probation commission created for the same term as that for which they were appointed.		
Services: Process	Welf. & Inst. Code, § 241.1(a)	Statute	Mandate	Mandates the county probation department and the child protective services department, pursuant to a jointly developed written protocol described in subd. (b) of this section, to determine initially which status will serve the best interests of the protection of society and the minor who appears to come within the description of both Welf. & Inst. Code, § 300, and Welf. & Inst. Code, § 601 or 602. Mandates the submission of the departments' recommendations to the juvenile court with the petition that is filed on behalf of the minor.	Child Protective/ Social Services Dept.	Welf. & Inst. Code, §§ 300, 601, 602
Services: Process	Welf. & Inst. Code, § 241.1(b)	Statute	Mandate	Mandates the probation department and the child protective services department in each county to develop jointly a written protocol to ensure appropriate local coordination in the assessment of a minor described in subd. (a) of this section and the development of recommendations by these departments for consideration by the juvenile court. Specifies the guidelines and provisions to be included in such protocols.	Child Protective/ Social Services Dept.	
Services: Process	Welf. & Inst. Code, § 241.1(c)	Statute	Mandate	Provides that whenever a minor who is under the jurisdiction of the juvenile court pursuant to Welf. & Inst. Code, § 300, 601, or 602, is alleged to come within the description of Welf. & Inst. Code, § 300, 601, or 602, by another county, the county probation department or child protective services department in the county that has jurisdiction under Welf. & Inst. Code, § 300, 601, or 602, and the probation department or child protective services department in the county alleging the minor to be within one of those sections is mandated to determine initially which status will best serve the best interests of the minor and the protection of society. Specifies that recommendations of both departments are to be presented to the juvenile court in which the petition is filed on behalf of the minor.	Child Protective/ Social Services Dept.	Welf. & Inst. Code, §§ 300, 601, 602
Governance	Welf. & Inst. Code, § 242	Statute	Other	Provides that the members of the probation commission are to hold office for four years, and until their successors are appointed and qualify. Specifies the duration of the respective terms of the members and requires that the terms be determined by lot as soon as possible after members' appointment. Specifies the appointment guidelines for filling vacancies.		
Governance	Welf. & Inst. Code, § 243	Statute	Other	Identifies the probation commission as an advisory entity to the probation officer.	Prob. Commission	

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Appointment and Removal	Welf. & Inst. Code, § 270	Statute	Mandate Discretionary Other	Establishes the offices of probation officer, assistant probation officer, and deputy probation officer in each county, except as provided in Gov. Code, § 69906. Requires the probation officer to be appointed in every county. Requires the probation officers in any county to be nominated by the juvenile justice commission or regional juvenile justice commission of such county as directed by the judge of the juvenile court and then to be appointed by such judge. Gives the probation officer power to appoint as many deputies or assistant probation officers as he or she desires, and specifies that such deputies or assistant probation officers have no authority to act until their appointments have been approved by a majority vote of the members of the juvenile justice commission and by the judge of the juvenile court. Provides for the expiration of the term of office of each such deputy or assistant probation officer with the term of the probation officer who appointed him or her.	Juvenile Justice Commission	Gov. Code, § 69906
Appointment and Removal	Welf. & Inst. Code, § 270	Statute	Mandate Discretionary Other	Gives the probation officer authority to revoke and terminate any appointment of any deputy or assistant probation officer with the written approval of the majority of the members of the juvenile justice commission and of the judge of the juvenile court. Provides that probation officers may be removed at any time by the judge of the juvenile court for good cause shown. Provides that probation officers may be removed at any time by the judge of the juvenile court with the written approval of a majority of the members of the juvenile justice commission.	Juvenile Justice Commission; Judge of Juv. Court	
Appointment and Removal	Welf. & Inst. Code, § 271	Statute	Other	Provides that in counties having charters or merit or civil service systems that provide a method of appointment and tenure of office for probation officers, assistant probation officers, deputy probation officers, and other employees of the juvenile hall, such charter or merit or civil service system provisions should control as to such matters. Provides that in all other counties the method of appointment and tenure of office for probation officers, assistant probation officers, deputy probation officers, and other employees of the juvenile hall is to be controlled exclusively by the provisions of the Welf. & Inst. Code.		
Governance	Welf. & Inst. Code, § 272(a)	Statute	Other	Gives the board of supervisors authority to delegate all or part of the duties of the probation officer concerning dependent children described in Welf. & Inst. Code, § 300, to the county welfare department.	Bd. of Sups.	Welf. & Inst. Code, § 300
Services: Process	Welf. & Inst. Code, § 272(a)	Statute	Other	Gives the board of supervisors authority to delegate the probation officer's right of access to state summary criminal history information pursuant to Pen. Code, § 11105, to the county welfare department and to any Indian tribe that has entered into an agreement to perform child welfare services pursuant to Welf. & Inst. Code, § 10553.1.	Bd. of Sups.	Pen. Code, § 11105; Welf. & Inst. Code, § 10553.1
Services: Process	Welf. & Inst. Code, § 273	Statute	Discretionary	Gives the probation officer discretionary authority to employ, within budgetary limitations established by the board of supervisors, such psychiatrists, psychologists, and other clinical experts as are required to assist in determining appropriate treatment of minors within the jurisdiction of the juvenile court and in the implementation of such treatment.	Bd. of Sups.	

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Governance	Welf. & Inst. Code, § 274	Statute	Mandate Other	Requires each probation officer and each assistant and deputy probation officer receiving an official salary to furnish a bond in the sum of not more than \$2,000 and approved by the judge of the juvenile court, conditioned for the faithful discharge of the duties of his or her office. Specifies that such premium should be paid out of the county treasury if it is furnished by a surety company. Provides that such individual bonds are not required if the probation officer, assistants, and deputies are included as covered employees in a master bond pursuant to Gov. Code, §§ 1481, 1481.1.		Gov. Code, §§ 1481, 1481.1
Funding	Welf. & Inst. Code, § 275	Statute	Mandate	Mandates the probation officer or other county officer designated by the board of supervisors to keep suitable books and accounts and to give and keep suitable receipts and vouchers.	Bd. of Sups.	
Funding	Welf. & Inst. Code, § 276	Statute	Discretionary Mandate	Gives the probation officer authority to receive money payable to the county when ordered to do so by a court of competent jurisdiction, and requires that such money be deposited or invested in the same manner as the other items set forth in this section. Mandates the probation officer to pay into the county treasury all money collected by him or her under his or her control during the preceding month that is payable into the treasury in conformity with Gov. Code, § 24353, if a bank account or savings and loan association investment certificate or share account is authorized pursuant to this section.		Gov. Code, § 24353
Funding	Welf. & Inst. Code, § 276(a)	Statute	Discretionary Other	Gives the probation officer authority to receive money payable to spouse or child in an action for divorce, separate maintenance, or similar action, together with court costs, upon order of a court of competent jurisdiction. Gives the probation officer authority to give his or her receipt for such money received; to deposit or invest such money as soon as practicable in the county treasury, in a commercial bank account designated and approved for such a purpose by the board of supervisors, or in investment certificates or share accounts issued by a savings and loan association doing business in this state, insured by the Federal Savings and Loan Insurance Corporation, and designated and approved for such purpose by the board of supervisors; and to direct the disbursement of such money received. Gives the court authority to designate a bonded employee of the court to act as court trustee for the receipt and disbursement of money under this subdivision.	Bd. of Sups.	
Funding	Welf. & Inst. Code, § 276(b)	Statute	Discretionary Other	Gives the probation officer authority to receive money payable to or on behalf of a ward or dependent child of the juvenile court or a person concerning whom a petition has been filed in the juvenile court. Gives the probation officer authority to give his or her receipt for such money received; to deposit or invest such money as soon as practicable in the county treasury, in a commercial bank account designated and approved for such a purpose by the board of supervisors, or in investment certificates or share accounts issued by a savings and loan association doing business in this state, insured by the Federal Savings and Loan Insurance Corporation, and designated and approved for such purpose by the board of supervisors; and to direct the disbursement of such money received. Gives the probation officer authority to petition the court for approval of any past or prospective disbursement.	Bd. of Sups.	

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Funding	Welf. & Inst. Code, § 276(c)	Statute	Discretionary Other	Gives the probation officer authority to receive money payable to, by, or on behalf of probationers under the supervision of the probation officer. Gives the probation officer authority to give his or her receipt for such money received; to deposit or invest such money as soon as practicable in the county treasury, in a commercial bank account designated and approved for such a purpose by the board of supervisors, or in investment certificates or share accounts issued by a savings and loan association doing business in this state, insured by the Federal Savings and Loan Insurance Corporation, and designated and approved for such purpose by the board of supervisors; and to direct the disbursement of such money received. Gives the probation officer authority to petition the court for approval of any past or prospective disbursement.	Bd. of Sups.	
Funding	Welf. & Inst. Code, § 276(d)	Statute	Discretionary Other	Gives the probation officer authority to receive money payable to a child, wife, or indigent parent when it has been alleged or claimed that there has been a violation of Pen. Code, § 270, 270a, or 270c, and the matter has been referred to the probation officer by the district attorney. Gives the probation officer authority to give his or her receipt for such money received; to deposit or invest such money as soon as practicable in the county treasury, in a commercial bank account designated and approved for such a purpose by the board of supervisors, or in investment certificates or share accounts issued by a savings and loan association doing business in this state, insured by the Federal Savings and Loan Insurance Corporation, and designated and approved for such purpose by the board of supervisors; and to direct the disbursement of such money received.	Dist. Atty.	Pen. Code, §§ 270, 270a, 270c
Funding	Welf. & Inst. Code, § 276(e)	Statute	Discretionary Other	Gives the probation officer authority to receive gifts of money made to the county to assist in the prevention or correction of delinquency or crime when the donor requests the probation officer to disburse such funds for such purposes and the board of supervisors accepts the gift upon such conditions. Gives the probation officer authority to give his or her receipt for such money received; to deposit or invest such money as soon as practicable in the county treasury, in a commercial bank account designated and approved for such a purpose by the board of supervisors, or in investment certificates or share accounts issued by a savings and loan association doing business in this state, insured by the Federal Savings and Loan Insurance Corporation, and designated and approved for such purpose by the board of supervisors; and to direct the disbursement of such money received.	Bd. of Sups.	
Funding	Welf. & Inst. Code, § 277	Statute	Discretionary Mandate	Gives the probation officer authority to authorize the sale of articles of handiwork made by wards under the jurisdiction of the probation officer to the public at probation institutions, in public buildings, at fairs, or on property operated by nonprofit associations. Requires the cost of any county materials or other property consumed in the manufacture of articles to be paid for out of funds received from the sale of the articles, and the remainder of any funds received from the sale to be placed in the ward's trust account pursuant to Welf. & Inst. Code, § 276, subd. (b).		Welf. & Inst. Code, § 276(b)

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Funding	Welf. & Inst. Code, § 278	Statute	Other	Gives the board of supervisors authority to delegate to the auditor or other county officer any of the functions of the probation officer authorized by Welf. & Inst. Code, § 276, and required by Code Civ. Proc., §§ 1685–1687, inclusive.	Bd. of Sups.	Welf. & Inst. Code, § 276; Code Civ. Proc., §§ 1685–1687
Services: Casework	Welf. & Inst. Code, § 280	Statute	Mandate	Mandates the probation officer, except where waived by the probation officer, judge, or referee and the minor, to be present in court to represent the interests of each person who is the subject of a petition to declare that person to be a ward or dependent child upon all hearings or rehearings of his or her case and to furnish to the court such information and assistance as the court may require. Mandates the probation officer to take charge of that person before and after any hearing or rehearing if so ordered. Requires that it be a duty of the probation officer to prepare, for every hearing on the disposition of a case as provided by Welf. & Inst. Code, § 356, 358, 358.1, 361.5, 364, 366, 366.2, or 366.21, as is appropriate for the specific hearing, or for a hearing as provided by Welf. & Inst. Code, § 702, a social study of the minor, containing such matters as may be relevant to a proper disposition of the case and including a recommendation for the disposition of the case.		Welf. & Inst. Code, §§ 356, 358, 358.1, 361.5, 364, 366, 366.2, 366.21, 702
Services: Casework	Welf. & Inst. Code, § 281	Statute	Mandate	Mandates the probation officer, upon order of any court in any matter involving the custody, status, or welfare of a minor or minors, to make an investigation of appropriate facts and circumstances and to prepare and file with the court written reports and written recommendations in reference to such matters.		
Services: Casework	Welf. & Inst. Code, § 281.5	Statute	Mandate	Mandates the probation officer, if he or she recommends to the court that a minor alleged to come within Welf. & Inst. Code, § 300, 601, or 602, or adjudged to come within Welf. & Inst. Code, § 300, 601, or 602, should be removed from the physical custody of his parent or guardian, to give primary consideration to recommending to the court that the minor be placed with a relative of the minor if such placement is in the best interests of the minor and will be conducive to reunification of the family.		Welf. & Inst. Code, §§ 300, 601, 602
Facilities	Welf. & Inst. Code, § 282	Statute	Other	Gives the judge of the juvenile court authority to require the probation officer, at any time and upon the request of the county board of supervisors, to look into and report to the court on the qualifications and management of any society, association, or corporation, other than a state institution, that applies for or receives custody of any ward or dependent child of the juvenile court. Prohibits any probation officer from entering any institution without its consent, and prohibits commitments to institutions that refuse such consent.	Bd. of Sups.; Juv. Court Judge	
Governance	Welf. & Inst. Code, § 283	Statute	Other	Gives every probation officer, assistant probation officer, and deputy probation officer powers and authority conferred by law upon peace officers listed in Pen. Code, § 830.5.		Pen. Code, § 830.5
Services: Process	Welf. & Inst. Code, § 284	Statute	Mandate	Mandates all probation officers to make such special and periodic reports to the Youth Authority as the authority may require and upon forms furnished by the authority.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Welf. & Inst. Code, § 285	Statute	Mandate	Mandates all probation officers to make such periodic reports to the Bureau of Criminal Statistics as the bureau may require and upon forms furnished by the bureau, provided that no names or social security numbers are transmitted regarding any proceeding under Welf. & Inst. Code, § 300 or 601.	Bureau of Crim. Stats.	Welf. & Inst. Code, §§ 300, 601
Governance	Welf. & Inst. Code, § 286	Statute	Mandate	Provides that any person lawfully appointed to serve as a probation officer or assistant or deputy probation officer prior to the effective date of this section should continue in his or her office or employment as if appointed in the manner prescribed by art. 5 of ch. 2 of pt. 1 of Welf. & Inst. Code (commencing with § 270).		Welf. & Inst. Code, art. 5 of ch. 2 of pt. 1
Services: Casework	Welf. & Inst. Code, § 307	Statute	Mandate Other	Outlines procedures available to a peace or a probation officer for dealing with a minor after he or she has been taken into temporary custody under the provisions of Welf. & Inst. Code, § 305. Mandates the officer, in determining which disposition of the minor should be made, to give preference to the alternative that least interferes with the parents' or guardians' custody of the minor if this alternative is compatible with the safety of the minor and to consider the needs of the minor for the least restrictive environment and the protective needs of the community.		Welf. & Inst. Code, § 305
Services: Casework	Welf. & Inst. Code, § 307	Statute	Mandate Other	Outlines procedures that a peace or probation officer is required to follow after he or she takes a minor into temporary custody under the provisions of Welf. & Inst. Code, § 305. Mandates the officer to give preference to the alternative that least interferes with the parents' or guardians' custody of the minor and is compatible with the safety of the minor and to consider the needs of the minor for the least restrictive environment and the protective needs of the community when determining a proper disposition of the minor.		Welf. & Inst. Code, § 305
Services: Casework	Welf. & Inst. Code, § 307(a)	Statute	Discretionary	Provides that a peace or probation officer who takes a minor into temporary custody under the provision of Welf. & Inst. Code, § 305, may thereafter release the minor.		Welf. & Inst. Code, § 305
Services: Process	Welf. & Inst. Code, § 307(b)	Statute	Discretionary	Provides that a peace or probation officer who takes a minor into temporary custody under the provision of Welf. & Inst. Code, § 305, may thereafter prepare in duplicate a written notice for the parent or parents of the minor to appear with the minor before the probation officer of the county in which the minor was taken into custody. Requires that the notice include a concise statement of the reasons the minor was taken into custody. Mandates the officer to deliver one copy of the notice to the minor and a parent, guardian, or responsible relative of the minor, and gives the officer authority to require the minor and the parent, guardian, or relative to sign a written promise that she or she will appear at the time and place designated in the notice. Mandates the officer to immediately release the minor upon the execution of the promise to appear. Mandates the officer to file one copy of the notice with the probation officer as soon as practicable.		Welf. & Inst. Code, § 305
Services: Process	Welf. & Inst. Code, § 307(c)	Statute	Discretionary	Provides that a peace or probation officer, who takes a minor into temporary custody under the provision of Welf. & Inst. Code, § 305, may thereafter take the minor, without unnecessary delay, before the probation officer of the county in which the minor resides, or in which the acts take place, or in which the circumstances exist that are alleged to bring the minor within the provisions of Welf. & Inst. Code, § 300, and deliver the minor into the custody of the probation officer.		Welf. & Inst. Code, §§ 300 & 305

Probation Services Task Force Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Welf. & Inst. Code, § 307.4(a)	Statute	Mandate	Mandates any peace or probation officer or social worker who takes a minor within the description of Welf. & Inst. Code, § 300, into temporary custody pursuant to Welf. & Inst. Code, § 305, 306, or 307, to immediately inform the parent, guardian, or responsible relative that the minor has been taken into protective custody and that a written statement is available that explains the parent's or guardian's procedural rights and the preliminary stages of the dependency investigation and hearing.		Welf. & Inst. Code, §§ 300, 305, 306, 307
Services: Process	Welf. & Inst. Code, § 307.4(b)	Statute	Other	Provides that the failure on the part of the peace or probation officer or social worker to notify the parent or guardian that the written information required by Welf. & Inst. Code, § 307.4, subd. (a), is available cannot be construed to permit a new defense to any juvenile or judicial proceeding or to interfere with any rights, or investigations accorded under any other law and is considered to be due to circumstances beyond the control of the officer or social worker, if a good faith attempt was made at notification.		Welf. & Inst. Code, § 307.4(a)
Services: Process	Welf. & Inst. Code, § 310	Statute	Discretionary	Gives the probation officer authority to require a minor who was taken into custody pursuant to Welf. & Inst. Code, § 305, or his parent, guardian, or relative, or both, to sign a written promise, as a condition for the release of such minor, that either or both of them will appear before the probation officer at a suitable place designated by the probation officer at a specified time.		Welf. & Inst. Code, § 305
Services: Process	Welf. & Inst. Code, § 311	Statute	Mandate	Mandates the probation officer to immediately file a petition pursuant to Welf. & Inst. Code, § 332, with the clerk of the juvenile court if the probation officer determines that a minor who was taken into custody pursuant to Welf. & Inst. Code, § 305, should be retained in custody. Mandates the probation officer to notify each parent or each guardian of the minor of the time and place of the detention hearing if the whereabouts of each parent or guardian can be ascertained by due diligence. Mandates the probation officer to serve those persons entitled to notice of the hearing under the provisions of Welf. & Inst. Code, § 335, with a copy of the petition and to notify these persons of the time and place of the detention hearing. Provides that the notice may be given orally, and is required to be given orally if it appears that the parent does not read.		Welf. & Inst. Code, §§ 332, 305, 335
Services: Process	Welf. & Inst. Code, § 313(a)	Statute	Mandate	Mandates a peace or probation officer to release, within 48 hours excluding nonjudicial days and unless a petition to declare him or her a dependent child has been filed within said period, any minor taken into custody, except when such minor willfully misrepresents himself or herself as 18 or more years of age.		
Services: Process	Welf. & Inst. Code, § 313(b)	Statute	Mandate	Mandates a peace or probation officer to prepare a written explanation whenever a minor is held in custody for more than six hours and is subsequently released, and no petition is filed, of why the minor was held in custody longer than six hours. Requires that the written explanation be prepared within 72 hours after the minor is released, and that a copy of the written explanation be sent to the parents, guardian, or other person having care or custody of the minor.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Welf. & Inst. Code, § 314	Statute	Mandate	Requires a petition or complaint to be filed within 48 hours, excluding nonjudicial days, from the time true age is determined, any time a minor willfully misrepresents himself or herself to be 18 or more years of age when taken into custody by a peace officer or probation officer, and any time such misrepresentation effects a material delay in investigation. Requires that the minor be immediately released from custody if the petition is not filed within the time prescribed by this section.		
Services: Process	Welf. & Inst. Code, § 601.3(a)	Statute	Discretionary	Gives the probation officer or the district attorney, or both, authority to request the parents or guardians and the child who continues to be classified as a truant after review and counseling by the school attendance review board or probation officer to attend a meeting in the district attorney's office or at the probation department to discuss the possible legal consequences of the minor's truancy.	Dist. Atty.	
Services: Process	Welf. & Inst. Code, § 601.3(b)	Statute	Other	Specifies information that is required to be included in the notice of a meeting to be held pursuant to this section as summoned by the probation officer, the district attorney, or both, regarding the possible legal consequences of the minor's truancy.		
Services: Process	Welf. & Inst. Code, § 601.3(c)	Statute	Other	Provides that the notice of a meeting, to be held pursuant to this section, as summoned by the probation officer, the district attorney, or both, regarding the possible legal consequences of the minor's truancy must be served at least five days prior to the meeting on each person required to attend the meeting.	Dist. Atty.	
Services: Process	Welf. & Inst. Code, § 601.3(d)	Statute	Mandate	Mandates the probation officer or the district attorney to advise the parents or guardians and the child attending a meeting, held pursuant to this section, as summoned by the probation officer, the district attorney, or both, regarding the possible legal consequences of the minor's truancy, that any statements they make could be used against them in subsequent court proceedings.	Dist. Atty.	
Services: Process	Welf. & Inst. Code, § 601.3(e)	Statute	Discretionary	Gives the probation officer or the district attorney after consultation with the probation officer, authority to file a petition pursuant to Welf. & Inst. Code, § 601, after a meeting held pursuant to this section, if the probation officer or the district attorney determines that available community resources cannot resolve the truancy problem, or if the student or student's parents or guardians, or both, have failed to respond to services provided or to the directives of the school, the school attendance review board, the probation officer, or the district attorney.	Dist. Atty.	Welf. & Inst. Code, § 601
Services: Process	Welf. & Inst. Code, § 601.3(f)	Statute	Discretionary Mandate	Authorizes the truancy mediation program. Gives the probation officer or the district attorney authority to establish the truancy mediation program. Mandates the probation officer and the district attorney to coordinate their efforts and to cooperate in determining which office is best able to operate a truancy mediation program in their county.	Dist. Atty.	
Prevention and Intervention	Welf. & Inst. Code, § 601.5(b)	Statute	Other	Includes the probation department in a collaborative group mandated to design and develop the At-Risk Youth Early Intervention Program, which is designed to assess and serve families with children who have chronic behavioral problems that place the child at risk of becoming a ward of the juvenile court under Welf. & Inst. Code, § 601 or 602.	Juv. Court.; DA; PD; DSS; COE; County Mental Health; CBOs	Welf. & Inst. Code, §§ 601, 602

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Prevention and Intervention	Welf. & Inst. Code, § 601.5(c)	Statute	Other	Requires that the At-Risk Youth Early Intervention Program include one or more neighborhood-based Youth Referral Centers for at-risk youth and their families and provides that the center may be staffed as a collaborative services model involving probation officers among other entities.	Probation Officers; School Officers; Mental Health or Service Providers	
Prevention and Intervention	Welf. & Inst. Code, § 601.5(d)	Statute	Other	Names the probation officer as one of the entities that may refer a minor to a youth referral center. Specifies that a minor may be referred to the program if the minor is at least 10 years of age and is believed by the referring source to be at risk of justice system involvement due to specified problems.		
Prevention and Intervention	Welf. & Inst. Code, § 601.5(g)	Statute	Mandate Other	Mandates the probation department to file a petition seeking to declare the minor a ward of the juvenile court under Welf. & Inst. Code, § 601, subd. (a), if the supervising caseworker at the center and the liaison probation officer, upon consultation with the minor's parents and with providers designated in the service plan, agree that the minor has willfully, significantly, and repeatedly failed to cooperate with the service plan. Prohibits the referral of any minor to the probation department for the filing of a petition under this subdivision until at least 90 days have elapsed after the first attempt to implement the service plan. Specifies that no minor should be subject to filing of a petition under this subdivision for a failure to complete the service plan that is due principally to an inability of the minor or the family to pay for the services listed in the service plan.		Welf. & Inst. Code, § 601(a)
Services: Process	Welf. & Inst. Code, § 627.5	Statute	Mandate	Mandates the probation officer to immediately advise the minor and his or her parent or guardian that anything a minor says can be used against him or her in any case where a minor is taken before a probation officer pursuant to the provisions of Welf. & Inst. Code, § 626, and it is alleged that such minor is a person described in Welf. & Inst. Code, § 601 or 602. Mandates the probation officer to advise such a minor and his or her parent or guardian of the minor's constitutional rights, including the right to remain silent, the right to have counsel present during any interrogation, and the right to have counsel appointed if he or she is unable to afford counsel. Mandates the probation officer to notify the judge of the juvenile court of the minor's or his or her parent's or guardian's request for counsel.		Welf. & Inst. Code, §§ 601, 602, 626
Services: Casework	Welf. & Inst. Code, § 628(a)	Statute	Mandate	Mandates the probation officer to immediately investigate the circumstances of a minor who has been taken into temporary custody under the provision of art. 15 ("Wards – Temporary Custody and Detention") of ch. 2 of pt. 1 of div. 2 of Welf. & Inst. Code and the facts surrounding his or her being taken into custody. Mandates the probation officer to immediately release the minor to the custody of his or her parent, legal guardian, or responsible relative, unless it can be demonstrated upon the evidence before the court that the continuance in the home is contrary to the minor's welfare and that one or more of the specified conditions exist.		Welf. & Inst. Code, art. 15 of ch. 2 of pt. 1 of div. 2

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Welf. & Inst. Code, § 628(b)	Statute	Mandate	Mandates the probation officer to make reasonable efforts, as described in Welf. & Inst. Code, § 727.4, par. (5), subd. (d), when conducting an investigation undertaken pursuant to subd. (a) of this section, to prevent or eliminate the need for removal of the minor from his or her home if the probation officer has reason to believe that the minor is at risk of entering foster care placement as defined in pars. (1) and (2) of Welf. & Inst. Code, § 727.4, subd. (d).		Welf. & Inst. Code, § 727.4(d)(1), (2), and (5)
Services: Casework	Welf. & Inst. Code, § 628.1	Statute	Mandate Other	Mandates the probation officer to proceed according to this section if the minor meets one or more of the criteria for detention under Welf. & Inst. Code, § 628, but the probation officer believes that 24-hour secure detention is not necessary to protect the minor or the person or property of another, or to ensure that the minor does not flee the jurisdiction of the court. Mandates the probation officer to release a minor, taken into temporary custody under Welf. & Inst. Code, § 628, to his or her parent, guardian, or responsible relative on home supervision, unless one of the conditions described in par. (1), (2), or (3) of Welf. & Inst. Code, § 628, subd. (a), exists. Mandates the probation officer to require such minor to sign a written promise that he or she understands and will observe the specific conditions of home supervision release as a condition of such release.		Welf. & Inst. Code, §§ 628, 628(a)(1), (2), and (3)
Services: Casework	Welf. & Inst. Code, § 628.1	Statute	Mandate Other	Mandates the probation officer to also require the minor's parent, guardian, or responsible relative to sign a written promise, translated into language the parent understands if necessary, that he or she understands the specific conditions of home supervision release as an additional condition for release. Specifies that these conditions may include curfew and school attendance requirements related to the protection of the minor or the person or property of another, or to the minor's appearances at court hearings. Provides that a minor who violates a specific condition of home supervision release may be taken into custody and placed in secure detention, subject to court review.		
Services: Process	Welf. & Inst. Code, § 629(a)	Statute	Discretionary Mandate	Mandates the probation officer to require the minor, as a condition for his or her release pursuant to Welf. & Inst. Code, § 628.1, and subject to Welf. & Inst. Code, §§ 631 and 632, to sign a written promise to appear before the probation officer at the juvenile hall or other suitable place designated by the probation officer at a specified time. Gives the probation officer discretionary authority to require the minor's parent, guardian, or relative to sign a written promise to appear before the probation officer at the juvenile hall or other suitable place designated by the probation officer at a specified time.		Welf. & Inst. Code, §§ 628.1, 631, 632
Services: Process	Welf. & Inst. Code, § 629.1	Statute	Mandate	Mandates the probation officer to retain the minor, who was delivered to him or her pursuant to Welf. & Inst. Code, § 626.6, notwithstanding Welf. & Inst. Code, § 628 or 628.1, and who is 14 years of age or older, in custody until such time that the minor can be brought before a judicial officer of the juvenile court pursuant to Welf. & Inst. Code, § 632.		Welf. & Inst. Code, §§ 626.6, 628, 628.1, 632

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Welf. & Inst. Code, § 630(a)	Statute	Mandate	Mandates the probation officer to immediately proceed in accordance with art. 16 ("Wards – Commencement of Proceedings") of ch. 2 of pt. 1 of div. 2 of Welf. & Inst. Code (commencing with § 650) to cause the filing of a petition pursuant to Welf. & Inst. Code, § 656, with the clerk of the juvenile court if the probation officer determines that the minor should be retained in custody. Mandates the probation officer or the prosecuting attorney to serve such minor with a copy of the petition and notify the minor of the time and place of the detention hearing immediately upon filing the petition with the clerk of the juvenile court if the minor is alleged to be a person described in Welf. & Inst. Code, § 601 or 602. Mandates the probation officer or the prosecuting attorney to notify each parent or each guardian also, if their whereabouts can be ascertained by due diligence, and provides that such notice may be given orally.		Welf. & Inst. Code, art. 16 of ch. 2 of pt. 1 of div. 2 ; Welf. & Inst. Code, §§ 656, 601, 602
Services: Process	Welf. & Inst. Code, § 631(a)	Statute	Other	Requires the release of any minor within 48 hours, excluding nonjudicial days, after having been taken into custody by a peace or probation officer, except when the minor willfully misrepresents himself or herself as 18 or more years of age, and unless within that period of time a petition to declare the minor a ward has been filed pursuant to ch. 2 ("Juvenile Court Law") of pt. 1 of div. 2 of Welf. & Inst. Code or a criminal complaint against the minor has been filed in a court of competent jurisdiction.		Welf. & Inst. Code, div. 2 of pt. 1 of ch. 2
Services: Process	Welf. & Inst. Code, § 631(b)	Statute	Other	Requires the release of any minor within 48 hours, excluding nonjudicial days, after having been taken into custody by a peace or probation officer without a warrant on the belief that the minor has committed a misdemeanor that does not involve violence, the threat of violence, or possession or use of a weapon, except when the minor willfully misrepresents himself or herself as 18 or more years of age, and unless a petition has been filed to declare the minor a ward of the court and the minor has been ordered detained by a judge of referee of the juvenile court pursuant to Welf. & Inst. Code, § 635. Makes any decision to detain such minor more than 24 hours a subject of written review and approval by a probation officer who is a supervisor in all cases as soon as possible after it is known that the minor will be detained more than 24 hours. Specifies that a decision to detain the minor more than 24 hours is not subject to review and approval if such decision is made by a probation officer who is a supervisor.		Welf. & Inst. Code, § 635
Services: Process	Welf. & Inst. Code, § 631(c)	Statute	Mandate	Mandates the probation officer to prepare a written explanation of why the minor was held in custody for more than 24 hours if a minor has been held in custody for more than 24 hours by the probation officer and is subsequently released and no petition is filed. Requires that the written explanation be prepared within 72 hours after the minor is released from custody and filed in the record of the case. Requires that a copy of the written explanation be sent to the parents, guardian, or other person having care or custody of the minor.		
Services: Process	Welf. & Inst. Code, § 635	Statute	Mandate	Mandates the probation officer to submit a written report to the court containing specified information if the probation officer has reason to believe that the minor is at risk of entering foster care placement as defined by Welf. & Inst. Code, § 11402.		Welf. & Inst. Code, § 11402

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Welf. & Inst. Code, § 636(c)	Statute	Other	Specifies documentation that the probation officer is mandated to submit to the court when he or she is recommending that the minor be detained.		
Services: Casework	Welf. & Inst. Code, § 636.1(a)	Statute	Other	Provides that the case plan should focus on issues and activities, including a description of the strengths and needs of the minor and his or her family and identification of services that will be provided to the minor, that would reduce or eliminate the need for the minor to be placed in foster care if the probation officer believes that such efforts will enable the minor to return home safely.		
Services: Casework	Welf. & Inst. Code, § 636.1(a)	Statute	Other	Requires that the case plan include all the information required by Welf. & Inst. Code, § 706.6, if the probation officer believes, based on the information available to him or her, that foster care placement is the most appropriate disposition.		Welf. & Inst. Code, § 706.6
Services: Process	Welf. & Inst. Code, § 636.1(a)	Statute	Mandate	Mandates the probation officer to complete a case plan, whenever a minor is detained pursuant to Welf. & Inst. Code, § 636, following a finding by the court that continuance in the home is contrary to the minor's welfare and the minor is at risk of entering foster care, within 30 calendar days of initial removal of a minor or by the date of the disposition hearing, whichever occurs first.		Welf. & Inst. Code, § 636
Facilities	Welf. & Inst. Code, § 636.2	Statute	Discretionary	Gives the probation officer discretionary authority to operate and maintain nonsecure detention facilities, or to contract with public or private agencies offering such services, for those minors who are not considered escape risks and are not considered a danger to themselves or to the person or property of another. Specifies criteria to be considered for detention in such facilities. Provides that a minor who leaves such nonsecure detention facility without permission may be housed in a secure facility following his apprehension, pending a detention hearing pursuant to Welf. & Inst. Code, § 632.	Public or Private Agencies	Welf. & Inst. Code, § 632
Services: Process	Welf. & Inst. Code, § 652	Statute	Mandate	Mandates the probation officer, whenever he or she has cause to believe that there was or is within the county, or residing in the county, a person within the provision of Welf. & Inst. Code, § 601 or 602, to immediately make an investigation to determine whether proceedings in the juvenile court should be commenced and whether reasonable efforts, as described in par. (5) of Welf. & Inst. Code, § 727.4, subd. (d), have been made to prevent or eliminate the need for removal of the minor from his or her home. Does not require an investigation by the probation officer if a minor is delivered or referred to an agency pursuant to Welf. & Inst. Code, § 626, subd. (b).		Welf. & Inst. Code, §§ 601, 602, 727.4(d)(5), 626(b)
Services: Process	Welf. & Inst. Code, § 653	Statute	Mandate	Mandates the probation officer, whenever any person applies to the probation officer or the district attorney to commence proceedings in the juvenile court in accordance with Welf. & Inst. Code, § 601.3, subd. (e), to investigate immediately whether proceedings in the juvenile court should be commenced.	Dist. Atty.	Welf. & Inst. Code, § 601.3(e)

Probation Services Task Force
Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Welf. & Inst. Code, § 653.1	Statute	Mandate	Mandates the probation officer to cause the affidavit alleging that the minor committed an offense described in Welf. & Inst. Code, § 602, to be immediately taken to the prosecuting attorney if it appears to the probation officer that the minor has been referred to him or her for any violation of either an offense listed in Welf. & Inst. Code, § 707, subd. (b), and allegedly committed when the minor was 16 years of age or older, or an offense listed in par. (2) of Welf. & Inst. Code, § 707, subd. (d), or Welf. & Inst. Code, § 707, subd. (e), and allegedly committed when the minor was 14 years of age or older.	Dist. Atty.	Welf. & Inst. Code, §§ 602, 707(b), 707(d)(2) or (e)
Services: Casework	Welf. & Inst. Code, § 653.5(a)	Statute	Mandate	Mandates the probation officer to immediately make any investigation he or she deems necessary to determine whether proceedings in the juvenile court should be commenced whenever any person submits an affidavit alleging that there was or is within the county, or resides in the county, a minor within the provisions of Welf. & Inst. Code, § 602. Mandates the probation officer to make a referral to certain services if the probation officer determines that it is appropriate to offer such services to the family to prevent or eliminate the need for removal of the minor from his or her home.		Welf. & Inst. Code, § 602
Services: Casework	Welf. & Inst. Code, § 653.5(b)	Statute	Mandate	Mandates the probation officer to cause the affidavit to be taken to the prosecuting attorney if the probation officer determines that proceedings to declare a person to be a ward of the juvenile court on the basis that he or she is a person described in Welf. & Inst. Code, § 602, should be commenced pursuant to Welf. & Inst. Code, § 650.	Dist. Atty.	Welf. & Inst. Code, §§ 602, 650
Services: Process	Welf. & Inst. Code, § 653.5(c)	Statute	Other	Specifies the cases in which the probation officer is required, notwithstanding subd. (b) of this section, to cause the affidavit to be taken within 48 hours to the prosecuting attorney.	Dist. Atty.	
Services: Casework	Welf. & Inst. Code, § 653.7	Statute	Mandate	Mandates the probation officer to endorse, upon the affidavit of the applicant, the decision not to proceed further, and the reasons therefore, any time the probation officer does not take action under Welf. & Inst. Code, § 654, or any time the probation officer does not cause the affidavit alleging that a minor is within or has committed an offense described in Welf. & Inst. Code, § 602, to be taken to the prosecuting attorney within 21 court days after the application. Requires the probation officer to retain the affidavit and the endorsement for a period of 30 court days after the notice to the applicant.		Welf. & Inst. Code, §§ 602, 654

Probation Services Task Force Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Welf. & Inst. Code, § 654	Statute	Mandate Discretionary Other	Gives the probation officer discretionary authority, with consent of the minor and the minor's parent or guardian, in any case in which a probation officer concludes that a minor is within the jurisdiction of the juvenile court or will probably soon be within that jurisdiction, to delineate specific programs of supervision not to exceed six months for the minor, and attempt thereby to adjust the situation that brings the minor within the jurisdiction of the court or creates the probability that the minor will soon be within that jurisdiction, in lieu of filing a petition to declare the minor a dependent child of the court or a minor or a ward of the court under Welf. & Inst. Code, § 601, or requesting that a petition be filed by the prosecuting attorney under Welf. & Inst. Code, § 601.3, subd. (e), or § 602. Specifies that the program of supervision may call for the minor to obtain care and treatment for the misuse of or addiction to controlled substances from a county mental health service or other appropriate community agency.		Welf. & Inst. Code, §§ 601, 601.3(e), 602
Services: Casework	Welf. & Inst. Code, § 654	Statute	Mandate Discretionary Other	Requires that the program of supervision include a requirement for the parents or guardians of the minor to participate with the minor in counseling or education programs. Mandates the probation officer to prepare and maintain a follow-up report of the actual program measures taken at the conclusion of the program of supervision undertaken pursuant to this section. Specifies that nothing in this section can be construed to prevent the probation officer from filing a petition or requesting the prosecuting attorney to file a petition at any time within the six-month period or a 90-day period thereafter. Mandates the probation officer to immediately file a petition or request that the prosecuting attorney file a petition if the probation officer determines that the minor has not involved himself or herself in the specific programs within 60 days. Mandates the probation officer to make a diligent effort to proceed under this section if the interest of the minor and the community can be protected.	Dist. Atty.	
Services: Process	Welf. & Inst. Code, § 654(a)	Statute	Other	Authorizes the probation officer, with consent of the minor and the minor's parent or guardian, to maintain and operate sheltered-care facilities, or to contract with private or public agencies to provide these services, in lieu of filing a petition to declare a minor a dependent child of the court. Requires that placement of the minor pursuant to this section be limited to a maximum of 90 days, and requires that the counseling services be extended to the sheltered minor and minor's family during this period of diversion services. Specifies that the minor and his or her parents may be required to make full or partial reimbursement for the services rendered during the diversion process. Provides that referrals for sheltered-care diversion may be made by the minor, his or her family, schools, any law enforcement agency, or any other private or public social service agency.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Welf. & Inst. Code, § 654(b)	Statute	Other	Authorizes the probation officer, with consent of the minor and the minor's parent or guardian, to maintain and operate crisis resolution homes, or to contract with private or public agencies to provide these services, in lieu of filing a petition to declare a minor a dependent child of the court. Requires that residence at these facilities be limited to 20 days, and requires that individual and family counseling services be extended to the sheltered minor and minor's family during this period of diversion services. Specifies that the failure to resolve the crisis within the 20-day period may result in the minor's referral to a sheltered-care facility for a period not to exceed 90 days. Provides that referrals for crisis resolution homes are required to be accepted from the minor, his or her family, schools, any law enforcement agency, or any other private or public social service agency. Provides that the minor, his or her parents, or both, may be required to reimburse the county for the cost of services rendered at a rate to be determined by the county board of supervisors.	Public or Private Agencies	
Services: Process	Welf. & Inst. Code, § 654(c)	Statute	Other	Authorizes the probation officer, with consent of the minor and the minor's parent or guardian, to maintain and operate counseling and educational centers, or to contract with private or public agencies whose purpose is to provide vocational training or skills, in lieu of filing a petition to declare a minor a dependent child of the court. Provides that the center may be operated separately or in conjunction with crisis resolution homes by the probation officer. Authorizes the probation officer to make referrals to the appropriate existing private or public agencies offering similar services when available.	Public or Private Agencies	
Services: Process	Welf. & Inst. Code, § 654.1(a)	Statute	Discretionary Mandate	Authorizes the probation officer, in lieu of requesting that a petition be filed by the prosecuting attorney to declare the minor a ward of the court under Welf. & Inst. Code, § 602, to proceed in accordance with Welf. & Inst. Code, § 654, and delineate a program of supervision for the minor in any case in which a minor has been charged with a violation of Veh. Code, § 23140 or 23152. Mandates the probation officer to cause the citation for a violation of Veh. Code, § 23140 or 23152, to be heard and disposed of by the judge, referee, or traffic hearing officer pursuant to Welf. & Inst. Code, §§ 257, 258, as a condition of any program of supervision.		Welf. & Inst. Code, §§ 602, 654, 257, 258; Veh. Code, §§ 23140, 23152
Services: Casework	Welf. & Inst. Code, § 654.1(b)	Statute	Discretionary Mandate	Provides that nothing in this section can be construed to prevent the probation officer from requesting the prosecuting attorney to file a petition to declare the minor a ward of the court under Welf. & Inst. Code, § 602, for a violation of Veh. Code, § 23140 or 23152. Mandates the probation officer to proceed under subd. (a) when in his or her judgment the interest of the minor and the community can be protected by adjudication of a violation of Veh. Code, § 23140 or 23152.		Welf. & Inst. Code, § 602; Veh. Code, §§ 23140, 23152
Services: Casework	Welf. & Inst. Code, § 654.2(b)	Statute	Discretionary	Authorizes the probation officer to recommend informal supervision as provided in this section when referring the affidavit described in § 653.5 to the prosecuting attorney if the minor is eligible for § 654 supervision and the probation officer believes the minor would benefit from such program of supervision.		Welf. & Inst. Code, §§ 653.5, 654
Services: Process	Welf. & Inst. Code, § 660.5(a)	Statute	Other	Names the chief probation officer as one of the members of a committee, in any county upon approval by the board of supervisors, that can vote to participate in the Expedited Youth Accountability Program.	Bd. of Sups.	

Probation Services Task Force Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Welf. & Inst. Code, § 660.5(d)	Statute	Mandate	Mandates the probation or peace officer, when releasing a minor who is not detained for any misdemeanor or felony offense and who is not cited to Informal Juvenile and Traffic Court pursuant to Pen. Code, § 256, pars. (1)–(15), & § 853.6a, to issue a citation and obtain a written promise to appear in juvenile court or to record the minor's refusal to sign the promise to appear and serve a notice to appear in juvenile court.		Welf. & Inst. Code §§ 658, 659, 660; Pen. Code, §§ 256(1)–(15), 853.6a
Services: Casework	Welf. & Inst. Code, § 660.5(h)	Statute	Discretionary	Authorizes the probation officer in a county in which this subdivision is applicable, notwithstanding Welf. & Inst. Code, § 654, and in lieu of filing a petition or proceeding under Welf. & Inst. Code, § 654, to issue a citation in the form described in subd. (d) to the Informal Juvenile and Traffic Court pursuant to Welf. & Inst. Code, § 256, for specified misdemeanors.		Welf. & Inst. Code, §§ 654, 256
Services: Process	Welf. & Inst. Code, § 660.5(i)	Statute	Mandate	Mandates the probation officer to inform the minor and his or her parent or guardian, in the event that the probation officer places a minor on informal probation or cites the minor to Informal Juvenile and Traffic Court or elects some other lawful disposition not requiring the hearing set forth in subd. (b), and no later than 72 hours, excluding nonjudicial days and holidays, prior to the hearing, that a court appearance is not required.		
Services: Process	Welf. & Inst. Code, § 676(e)	Statute	Discretionary	Authorizes the probation officer or any party involved in the case under this section to petition the juvenile court to prohibit disclosure of any file or record to the public.		
Services: Casework	Welf. & Inst. Code, § 676.5(a)	Statute	Mandate	Mandates the probation officer to notify, in person or by registered mail, a victim of juvenile offenses that he or she and up to two support persons of the victim's choosing are entitled to be admitted to juvenile court hearings concerning petitions filed pursuant to Welf. & Inst. Code, § 602, alleging the commission of any criminal offense, on the same basis as he or she may be admitted to trials in a court of criminal jurisdiction.		Welf. & Inst. Code, § 602
Services: Casework	Welf. & Inst. Code, § 704(d)	Statute	Mandate	Mandates the probation officer, or any other peace officer designated by the court, to execute the order placing a minor in a diagnostic and treatment center pursuant to this section or returning the minor therefrom to the court. Specifies that the expense incurred in executing such order is a charge upon the county in which the court is situated.		
Services: Casework	Welf. & Inst. Code, § 707(e)	Statute	Other	Requires any report submitted by a probation officer pursuant to this section regarding the behavioral patterns and social history of the minor being considered for a determination of unfitness to include any written oral statement offered by the victim, the victim's parent or guardian if the victim is a minor, or if the victim has died, the victim's next of kin, as authorized by Welf. & Inst. Code, § 656.2, subd. (b).		Welf. & Inst. Code, § 656.2(b)
Services: Casework	Welf. & Inst. Code, § 727.3(a)(1)	Statute	Mandate	Mandates the probation officer, with respect to every minor declared a ward and ordered to be placed in foster care, to prepare a written social study report including an updated case plan and a recommendation for a permanent plan, pursuant to Welf. & Inst. Code, § 706.5, subd. (c), and submit the report to the court prior to each permanency planning hearing, pursuant to Welf. & Inst. Code, § 727, subd. (b).		Welf. & Inst. Code, §§ 706.5(c), 727(b)

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Welf. & Inst. Code, § 727.32	Statute	Mandate Other	Mandates the probation department to follow the procedures described in Welf. & Inst. Code, § 727.31, to terminate the parental rights of the minor's parents in any case where a minor has been declared a ward of the juvenile court and has been in foster care for 15 of the most recent 22 months, unless the probation department has documented in its file a compelling reason for determining that termination of the parental rights would not be in the minor's best interests pursuant to Welf. & Inst. Code, § 727.3, or the probation department has not provided the family with reasonable efforts necessary to achieve reunification. Provides that if the probation department documented a compelling reason at the time of the permanency planning hearing, pursuant to Welf. & Inst. Code, § 706.6, subd. (l), the probation department is not required to provide any additional documentation to comply with the requirements of this section. Mandates the probation department to make efforts to identify an approved family for adoption and follow the procedures described in Welf. & Inst. Code, § 727.31, subd. (b), when setting a hearing pursuant to Welf. & Inst. Code, § 727.31.		Welf. & Inst. Code, §§ 727.31, 727.3, 706.6(l)
Services: Process	Welf. & Inst. Code, § 727.4(a)	Statute	Mandate	Mandates the probation officer to mail or personally serve a notice of any hearing pursuant to Welf. & Inst. Code, § 727, 727.2, or 727.3, to the minor and the minor's parent or guardian or any other specified provider of care to the minor, including a statement regarding the nature of the status review or permanency planning hearing; a statement regarding any change in the custody or status of the minor being recommended by the probation department; and a statement informing the foster parents, relative caregivers, or preadoptive parents that he or she may attend all hearings or may submit any information he or she deems relevant to the court in writing. Mandates the probation department to mail or serve such notice not earlier than 30 days nor later than 15 days preceding the date of the hearing and to file proof of notice with the court.		Welf. & Inst. Code, §§ 727, 727.2, 727.3
Services: Process	Welf. & Inst. Code, § 727.4(b)	Statute	Mandate	Mandates the probation officer to file a social study report with the court pursuant to the requirements listed in § 706.5 after the hearing during which the court orders that the care, custody, and control of the minor be under the supervision of the probation officer for placement pursuant to Welf. & Inst. Code, § 727, subd. (a), and at least 10 calendar days prior to each status review and permanency planning hearing.		Welf. & Inst. Code, §§ 706.5, 727(a)
Services: Process	Welf. & Inst. Code, § 727.4(c)	Statute	Mandate	Mandates the probation officer to inform the minor, the minor's parent or guardian, and all counsel of record that a copy of the social study prepared for the status review and permanency hearing will be available 10 days prior to the hearing and may be obtained from the probation officer.		
Services: Casework	Welf. & Inst. Code, § 729.7	Statute	Mandate	Mandates the probation officer, upon request by the victim, to assist in mediating a service contract between the victim and the minor under which the amount of restitution owed to the victim by the minor may be paid by performance of specified services.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Welf. & Inst. Code, § 731.3(a)	Statute	Other	Requires any minor, who is 15 years of age or older and who is found to have committed a firearms-related offense described in par. (1) of Ed. Code, § 48915, subd. (c), at school or a school activity off school grounds, to complete six months of intensive probation supervision in the minor's county of origin, including participation in an aftercare program, after completion of the Turning Point Academy.		Ed. Code, § 48915(c)(1)
Services: Process	Welf. & Inst. Code, § 731.3(c)	Statute	Mandate	Mandates the probation officer to assess the minor who is 15 years of age or older prior to a referral to the Turning Point Academy. Mandates the probation officer to perform a social study and assess the minor's mental health status and to make a determination whether the criteria enumerated in Welf. & Inst. Code, § 731.3, subd. (b), apply.		Welf. & Inst. Code, § 731.3(b)
Services: Process	Welf. & Inst. Code, § 731.3(f)	Statute	Discretionary Mandate	Provides that the probation officer of the county in which the minor is adjudged a ward of the court may temporarily remove the minor from the facility or program if the probation officer determines that the Turning Point Academy is an unsuitable placement for the minor. Mandates the probation officer to promptly inform the court of the minor's removal, and requires that the probation officer return the minor to the court for a hearing to review the suitability of continued confinement at the academy.		
Services: Process	Welf. & Inst. Code, § 731.3(g)	Statute	Other	Places the individually designed, comprehensive, and intensive programs that are part of the aftercare program of the Turning Point Academy under probation supervision.		
Services: Process	Welf. & Inst. Code, § 739(a)	Statute	Discretionary Mandate	Gives the probation officer authority, whenever any person is taken into temporary custody under Welf. & Inst. Code art. 15 (commencing with § 625) who is in need of medical, surgical, dental, or other remedial care, and upon the recommendation of the attending physician, surgeon, or attending dentist, to authorize the performance of such care. Mandates the probation officer to notify the parent, guardian, or person standing in loco parentis of the person that medical, surgical, dental, or other remedial care is needed, before care is provided. Specifies that in cases where the parent, guardian, or person standing in loco parentis objects, such care can be given only upon order of the court.		Welf. & Inst. Code, art. 15 (commencing with § 625)
Services: Process	Welf. & Inst. Code, § 739(d)	Statute	Discretionary Mandate	Gives the probation officer authority, whenever it appears that a minor otherwise within subd. (a), (b), or (c) requires immediate emergency, medical, surgical, or other remedial care in an emergency situation, to authorize the performance of such care. Gives the probation officer authority, if the minor needs foot or ankle care within the scope of practice of podiatric medicine, and after obtaining the advice and concurrence of a physician and surgeon, to authorize such care to be provided by a podiatrist. Mandates the probation officer to make reasonable efforts to obtain the consent of, or to notify, the parent, guardian, or person standing in loco parentis prior to authorizing emergency medical, surgical, dental, or other remedial care.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Welf. & Inst. Code, § 740(b)(1)	Statute	Mandate	Mandates the probation officer or the parole officer in charge of a Youth Authority ward to send written notice of the placement of a minor adjudged to be a ward of the court on the basis that he or she is a person described in Welf. & Inst. Code, § 602, in any community care facility outside the ward's county of residence to the probation officer of the county in which the community care facility is located. Mandates the probation or parole officer making the placement to make best efforts to send, or to hand deliver, the notice at the same time the placement is made. Mandates the probation or parole officer, when such placement is terminated, to send notice of termination to any person or agency receiving notification of the placement.		Welf. & Inst. Code, § 602
Funding	Welf. & Inst. Code, § 740(d)	Statute	Other	Mandates the county of residence, if a minor is placed in a community care facility out of his or her county of residence and is then arrested and placed in juvenile hall pending a jurisdictional hearing, to pay to the probation department of the county of placement all reasonable costs resulting directly from the minor's stay in the juvenile hall, provided that these costs exceed \$100.		
Funding	Welf. & Inst. Code, § 740(e)	Statute	Other	Mandates the county of residence, if a minor is remanded back to his or her county of residence as a result of the hearing in subd. (d), to pay to the probation department of the county of placement all reasonable costs resulting directly from transporting the minor to the county of residency in addition to any payment made pursuant to subd. (d), provided that these costs exceed \$100.		
Funding	Welf. & Inst. Code, § 740(e)	Statute	Other	Requires that claims made by the probation department in the county of placement to the county of residence, pursuant to subds. (d) and (e) of this section, to be paid within 30 days of the submission of these claims. Specifies that the probation department in the county of placement should bear the remaining expense.		
Services: Casework	Welf. & Inst. Code, § 742(a)	Statute	Mandate	Mandates the probation officer, upon the request of an alleged victim of a crime and within 60 days of the final disposition of a case within which a petition has been filed pursuant to Welf. & Inst. Code, § 602, to inform that victim by letter of the final disposition of the case. Requires the probation officer to include specified information about restitution in the letter if the court orders that restitution is to be made to the victim.		Welf. & Inst. Code, § 602
Services: Casework	Welf. & Inst. Code, § 742(b)	Statute	Mandate	Mandates the probation officer, in any case in which a petition has been filed pursuant to Welf. & Inst. Code, § 602, to inform the victim of the offense of any victim-offender conferencing program or victim impact class available in the county and of the victim's right to be informed of the final disposition of the case, including his or her right to victim restitution.		Welf. & Inst. Code, § 602
Services: Process	Welf. & Inst. Code, § 776	Statute	Other	Provides that no order changing, modifying, or setting aside a previous order of the juvenile court can be made either in chambers or otherwise, unless prior notice of the application therefore has been given by the judge or the clerk of the court to the probation officer, among others.		

Probation Services Task Force Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Welf. & Inst. Code, § 781(a)	Statute	Discretionary	Authorizes the county probation officer or the person to petition the court, in any case in which a petition has been filed with a juvenile court to commence proceedings to adjudge a person a ward of the court and at any time after the person has reached the age of 18 years, to petition the court for sealing of the records under specified circumstances, including records of arrest in the custody of the juvenile court, probation officer, and any other specified agencies that the petitioner alleges in his or her petition to have custody of the records.		
Services: Process	Welf. & Inst. Code, § 781.5(a)	Statute	Mandate	Provides that a determination of factual innocence cannot be made pursuant to this subdivision unless the law enforcement agency and probation officer, with the concurrence of the district attorney, determine that no reasonable cause exists to believe that the minor committed the offense for which the arrest was made or the citation was issued. Mandates the probation officer and the law enforcement agency having jurisdiction over the offense to notify the Department of Justice and any other law enforcement agency or probation officer that arrested or cited the minor or participated in the arrest or citing of the minor for an offense for which the minor has been found factually innocent under this subdivision of the sealing of the minor's records and the reason for the sealing of the minor's records. Mandates the probation officer and other specified entities so notified to seal records of the arrest or citation and the notice of sealing for three years from the date of the arrest or citation and thereafter destroy those records and the notice of sealing.	Law Enforcement Agencies; Dist. Atty.; Dept. of Justice	
Services: Process	Welf. & Inst. Code, § 781.5(a)	Statute	Mandate	Mandates the Justice Department and the probation officer and the law enforcement agency having jurisdiction over the offense to request the destruction of any records of the arrest or citation that they have given to any local, state, or federal agency or to any other person or entity.	Law Enforcement Agencies; Just. Dept.	
Services: Process	Welf. & Inst. Code, § 781.5(a)	Statute	Discretionary	Provides that a minor may request in writing that the law enforcement agency and probation officer having jurisdiction over the offense destroy their records of the arrest or citation in any case where a minor has been cited to appear before a probation officer, has been taken before a probation officer pursuant to Welf. & Inst. Code, § 626, or has been taken before any officer of a law enforcement agency and no accusatory pleading or petition to adjudge the minor a ward of the court has been filed. Requires the probation officer and the law enforcement agency having jurisdiction over the offense, and upon a determination that the minor is factually innocent and with concurrence of the district attorney, to seal their records with respect to the minor and the request for relief under this section for three years from the date of the arrest or citation and thereafter destroy the records and the request.	Law Enforcement Agencies; Dist. Atty.	Welf. & Inst. Code, § 626
Services: Process	Welf. & Inst. Code, § 781.5(b)	Statute	Other	Requires the request for relief under subd. (a) to be deemed denied if the law enforcement agency, probation officer, and district attorney do not respond to the request by accepting or denying the request within 60 days after the running of the statute of limitation for the offense for which the minor was cited or arrested or within 60 days after receipt of the petition in cases where the statute of limitations has previously elapsed.	Law Enforcement Agencies; Dist. Atty.	

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Welf. & Inst. Code, § 781.5(f)	Statute	Mandate	Mandates the probation officer and law enforcement agency having jurisdiction over the offense or the court to issue a written declaration to the minor, in any case where a minor who has been arrested or cited is granted relief pursuant to this section, stating that it is the determination of the law enforcement agency and probation officer having jurisdiction over the offense or the court that the minor is factually innocent of the charges for which the minor was arrested or cited and that the minor is thereby exonerated.	Law Enforcement Agencies	
Services: Process	Welf. & Inst. Code, § 781.5(h)	Statute	Mandate	Mandates the probation officer and law enforcement agency having jurisdiction over the offense or the sealing and destruction of the arrest and citation records pursuant to this section.	Law Enforcement Agencies	
Services: Process	Welf. & Inst. Code, § 785(a)	Statute	Other	Gives any parent, minor, or other person having an interest in the minor authority through a probation officer or the prosecuting attorney, in any case where a minor is a ward of the juvenile court and the wardship did not result in the minor's commitment to the Youth Authority and the minor is found to be a fit and proper subject to be dealt with under the juvenile court law with respect to a subsequent allegation of criminal conduct, to petition the court in the same action in which the minor was found to be a ward of the juvenile court for a hearing for an order to terminate or modify the jurisdiction of the juvenile court.	Dist. Atty.	
Services: Process	Welf. & Inst. Code, § 795	Statute	Other	Designates the county probation officer or a person designated by the county probation officer to serve as the program administrator for juveniles granted deferred entry of judgment in each county. Specifies that the program administrator is responsible for developing, supervising, and monitoring treatment programs and otherwise overseeing the placement and supervision of minors granted probation pursuant to the provision of ch. 2 ("Juvenile Court Law") of div. 2 of Welf. & Inst. Code.		
Services: Process	Welf. & Inst. Code, § 826.5(a)	Statute	Discretionary Other	Includes the probation officer in a list of entities who may destroy, at any time before a person reaches the age when his or her records are required to be destroyed, all specified records and papers pertaining to that person if such records and papers are microfilmed or photocopied prior to destruction. Specifies that exhibits are required to be destroyed as provided under Pen. Code, §§ 1418, 1418.5, 1419.		Pen. Code, §§ 1418, 1418.5, 1419
Services: Process	Welf. & Inst. Code, § 827(b)(3)	Statute	Mandate	Mandates the probation or the parole officer having jurisdiction over the minor returned to a school district other than the one from which the minor was removed as a result of the court's finding described in subd. (b) of this section to notify the superintendent of the last district of attendance about the minor's return.		
Services: Process	Welf. & Inst. Code, § 840	Statute	Other	Establishes in each county probation department a program of home supervision to which minors are referred pursuant to Welf. & Inst. Code, § 628.1. Defines the home supervision program.		Welf. & Inst. Code, § 628.1

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Welf. & Inst. Code, § 841	Statute	Other	Specifies that the duties of a deputy probation officer, probation aide, community worker, or volunteer assigned to home supervision and under the supervision of a deputy probation officer are to ensure the minor's appearance at probation officer interviews and court hearings and to ensure that the minor obeys the conditions of his or her release and commits no public offenses pending final disposition of his or her case. Mandates a deputy probation officer, probation aide, or community worker assigned to home supervision to have a caseload of no more than 10 minors, or no more than 15 minors if the county probation department employs a method of home supervision including electronic surveillance. Requires that a minor be assigned to a deputy probation officer, probation aide, community worker, or volunteer who resides in the same community as the minor, whenever possible.		
Services: Process	Welf. & Inst. Code, § 842	Statute	Other	Defines a probation volunteer as a person who donates personal services to the probation department and probationers without compensation. Defines a probation aide or a community worker, who may receive compensation for his or her services. Provides that probation aides, community workers, and volunteers cannot qualify for peace officer status pursuant to Pen. Code, § 830.5.		Pen. Code, § 830.5
Facilities	Welf. & Inst. Code, § 852	Statute	Other	Places the juvenile hall under the management and control of the probation officer.		
Appointment and Removal	Welf. & Inst. Code, § 854	Statute	Mandate	Requires that the superintendent and other employees of the juvenile hall be appointed by the probation officer, and that they may be removed for cause, pursuant to a civil service or merit system.		
Facilities	Welf. & Inst. Code, § 855	Statute	Mandate	Mandates the probation officer to keep a classified list of expenses for the operation of the juvenile hall and to file a duplicate copy with the county board of supervisors.		
Facilities	Welf. & Inst. Code, § 862	Statute	Discretionary	Gives the probation officer authority to receive and detain in the county juvenile hall, for no more than three judicial days in the absence of a valid detention order issued by a federal court, any juvenile committed thereto by process or order issued under the authority of the United States, until such juvenile is discharged according to law as if he had been committed under process issued under the authority of this state. Gives juveniles detained pursuant to this section all the rights, powers, privileges, and duties that are afforded juveniles detained pursuant to the laws of this state, and requires that juveniles detained pursuant to this section receive the same treatment as juveniles detained pursuant to laws of this state.		
Facilities	Welf. & Inst. Code, § 870	Statute	Other	Authorizes two or more counties, pursuant to art. 1 (commencing with § 6500) of ch. 5 of div. 7 of tit. 1 of Gov. Code, to establish and operate a joint juvenile hall. Places such joint juvenile hall under the management and control of the probation officers, acting jointly, of the participating counties, or of one of such probation officers as provided by the agreement among the counties. Places the managing probation officer or officers in charge of a superintendent selected pursuant to a civil service or merit system. Requires that a joint juvenile hall be operated in the manner prescribed by ch. 2 ("Juvenile Court Law") of pt. 1 of div. 2 of Welf. & Inst. Code.		Gov. Code, art. 1 of ch. 5 of div. 7, § 6500; Welf. & Inst. Code, div. 2 of pt. 1 of ch. 2

Probation Services Task Force Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Facilities	Welf. & Inst. Code, § 873(a)	Statute	Discretionary	Authorizes the chief probation officer of the county, upon approval of the board of supervisors, to establish, maintain, and operate a store in connection with the juvenile hall or other county juvenile facilities. Authorizes the chief probation officer, upon approval of the board of supervisors, to purchase various goods, articles, and supplies, and to sell such goods, articles, and supplies for cash, to wards and detainees confined in the juvenile hall or other county juvenile facilities.	Bd. of Sups.	
Facilities	Welf. & Inst. Code, § 873(b)	Statute	Other	Requires that the sale prices of the articles offered for sale at the store established pursuant to subd. (a) be fixed by the chief probation officer. Requires any profit acquired as a result of such sale to be deposited in a Ward Welfare Fund, which is required to be established in the treasury of the county.		
Facilities	Welf. & Inst. Code, § 873(c)	Statute	Other	Requires a deposit of 10 percent of all gross sales of confined minor hobbycraft into the Ward Welfare Fund.		
Facilities	Welf. & Inst. Code, § 873(d)	Statute	Other	Requires a deposit of any money, refund, rebate, or commission received from a telephone company or pay telephone provider into the Ward Welfare Fund, when such money, refund, rebate, or commission is attributable to the use of pay telephones that are primarily used by confined wards or detainees while incarcerated.		
Facilities	Welf. & Inst. Code, § 873(e)	Statute	Mandate	Mandates the chief probation officer to expend the money and property deposited in the Ward Welfare Fund primarily for the benefit, education, and welfare of the wards and detainees confined within the juvenile hall or other county juvenile facilities. Authorizes the chief probation officer to expend any funds that are not needed for the welfare of the confined wards and detainees at his or her sole discretion for the maintenance of county juvenile facilities. Specifies that maintenance of the juvenile hall or other county juvenile facilities may include, but is not limited to, education, drug and alcohol treatment, welfare, library, accounting, and other programs deemed appropriate by the chief probation officer.		
Facilities	Welf. & Inst. Code, § 873(f)	Statute	Other	Places the operation of a store within any other county juvenile detention facility that is not under the jurisdiction of the chief probation officer under the governance of provisions of this section, except that the board of supervisors are is to designate the proper county official to exercise the duties otherwise allocated in this section to the chief probation officer.	Bd. of Sups.	
Facilities	Welf. & Inst. Code, § 873(h)	Statute	Discretionary	Authorizes the chief probation officer to expend money form the Ward Welfare Fund to provide indigent wards and detainees, prior to release from the juvenile hall, any county juvenile facility, or other juvenile detention facility under the jurisdiction of the chief probation officer, with essential clothing and transportation expenses within the county or, at the discretion of the chief probation officer, transportation to the minor's county of residence if the county is within the state or 500 miles from the county of incarceration. Specifies that this subdivision does not authorize expenditure of money from the Ward Welfare Fund for the transfer of any ward or detainees to the custody of any other law enforcement official or jurisdiction.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Facilities	Welf. & Inst. Code, § 1852	Statute	Other	Mandates the board of supervisors to place responsibility for internal management of the youth correctional center with the chief probation officer.	Bd. of Sups.	
Facilities	Welf. & Inst. Code, § 1854	Statute	Other	Places the offender under the control of the chief probation officer while under commitment to the youth correctional center. Specifies that the offender may be confined to the center at all times. Provides that the offender may be released for brief periods to work, attend school, or engage in educational or recreational pursuits. Provides that the offender may be allowed to live in the community and return to the center for specific services as directed by the chief probation officer.		
Facilities	Welf. & Inst. Code, § 1855	Statute	Other	Requires that earnings of offenders who reside in the youth correctional center and work in the community be collected by the chief probation officer. Authorizes the chief probation officer, from the earnings of the offender, to pay the offender's board and personal expenses and such administrative costs as are allocable to him or her. Provides that any balance may be paid periodically to the offender as deemed appropriate by the chief probation officer. Requires all funds credited to the offender's account be paid to the offender upon the offender's release from juvenile court wardship or termination of his or her probation.		
Services: Process	Welf. & Inst. Code, § 16500.5(d)	Statute	Discretionary	Authorizes the probation officer or a county welfare department social worker, pursuant to an appropriate court order, to return a dependent minor or ward of the court removed from the home pursuant to Welf. & Inst. Code, § 361, to his or her home with appropriate interagency family preservation program services.		Welf. & Inst. Code, § 361
Funding	Welf. & Inst. Code, § 16500.51(c)	Statute	Discretionary	Authorizes the county probation department, through an interagency agreement with the county welfare department, to refer cases to the county welfare department for the provision of services under this subdivision.		
Funding	Welf. & Inst. Code, § 16500.65(c)	Statute	Discretionary	Authorizes the county probation department, through an interagency agreement with the county welfare department, to refer cases to the county welfare department for the direct provision of services under this subdivision.		
Governance	Welf. & Inst. Code, § 16516(a)	Statute	Mandate	Prohibits any probation officer or social worker acting as an officer of the court for purposes of ch. 5 ("State Child Welfare Services") (commencing with § 16500), directly or indirectly, from lobbying for, acting as a consultant, entering into a business transaction with, acquiring ownership of, or obtaining a pecuniary interest in any business that has received any funds or income from court-ordered child welfare services.		Welf. & Inst. Code, ch. 5 (commencing with § 16500)
Services: Casework	Welf. & Inst. Code, § 16516.5(a)	Statute	Mandate	Mandates the probation officer or county social worker to visit, at least monthly, all foster children placed in group homes by the county probation departments or county welfare departments. Requires that each visit include a private discussion between the foster child and the probation officer or the county social worker. Prohibits such discussion to be held in the presence or immediate vicinity of the group home staff. Prohibits the contents of such private discussion to be disclosed to the group home staff, and makes an exception for the disclosure of the discussion contents under specified circumstances.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Welf. & Inst. Code, § 16516.6	Statute	Mandate	Mandates the probation officer or county social worker to include a private discussion between the foster child and the probation officer or social worker during a regular visit with a child in any licensed, certified, or approved foster home. Prohibits such discussion to be held in the presence or immediate vicinity of the foster parent or caregiver. Prohibits the contents of such private discussion to be disclosed to the foster parent or caregiver, and makes an exception for the disclosure of the discussion contents under specified circumstances.		
Services: Casework	Welf. & Inst. Code, § 16517(a)	Statute	Mandate	Prohibits a probation officer or social worker acting as an officer of the court from making an out-of-home placement of a dependent or ward of the court, with the exception of any relative of the social worker or probation officer responsible for the placement of the child, with the spouse of any relative of the social worker or probation officer responsible for the placement.		
Services: Casework	Welf. & Inst. Code, § 16517(b)	Statute	Mandate	Prohibits any probation officer or a social worker acting as an officer of the court from receiving compensation for the out-of-home placement of a dependent or ward of the court other than the compensation received as an employee of the county or the state.		
Services: Process	Welf. & Inst. Code, § 16521	Statute	Other	Mandates the State Department of Social Services, in consultation with representatives of local probation departments, foster care providers, and other interested parties, to review federal and state statutes, federal requirements, and state regulations pertaining to the placement of children whose board and care is funded through the Aid to Families with Dependent Children–Foster Care program. Mandates the State Department of Social Services to develop, by January 1, 1995, regulations identifying specific initial and ongoing placement activities that must be performed by the probation department to ensure that the needs of wards in placement whose board and care is funded through the Aid to Families with Dependent Children–Foster Care program are met.	State Dept. of Social Services; Foster Care Providers	
	<i>Charles S. v. Super. Ct. of LA Co.</i>	32 Cal. 3d 741		The initial determination of whether to institute informal probation or to file court proceedings is at the discretion of the probation officer and may not be delegated to the prosecuting attorney. (Citing also <i>Raymond B. v. Super. Ct.</i> (1980) 102 Cal.App.3d 372, 375; and <i>Marvin F. v. Super. Ct.</i> (1977) 75 Cal.App.3d 281, 288.)		
	<i>In re Arron C.</i>	59 Cal. App. 4th 1365		The juvenile probation office is, in effect, an arm of the juvenile court. In a general-law county, probation officers are appointed by and serve at the pleasure of the juvenile court judge. Probation officers are not "adjuncts of the law enforcement team"; they are more like the court employees (identified in Evans) who have "no stake in the outcome of particular criminal prosecutions." (Citing <i>Arizona v. Evans</i> (1995) 514 U.S. 1).		
	<i>People v. Super. Ct. of LA Co. (Robin Hubbard, Real Party in Interest)</i>	230 Cal. App. 3d 287		Mandates the administrator of the Electronic Monitoring Program (EMP) program to make the determination whether a person meets the criteria to participate in the program. The administrator is not required to permit participation; the sentencing judge has only the right to restrict or deny a defendant's participation, but no authority to direct or order placement of a defendant in the EMP program.		

Probation Services Task Force Laws and Mandates Chart

Sorted by:

Subject Area

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Appointment and Removal	Pen. Code, § 1203.6	Statute	Mandate	Requires that the adult probation officer be appointed, and that her or she may be removed for good cause, by the judge of the superior court or, in a county with two superior court judges, by the judge who is senior in point of service, or in a superior court of more than two judges, by a majority of the judges. Provides that the board of supervisors in each county establish the salary of the probation officer. Grants the adult probation officer authority to appoint and remove all assistants, deputies, and other persons employed in his or her department and requires that the compensation be established according to the merit system or civil service system provisions of the county or, if neither merit nor civil service system exist in the county, according to the guidelines established by the county board of supervisors.	Local Judiciary; Bd. of Sups.	
Appointment and Removal	Welf. & Inst. Code, § 270	Statute	Mandate Discretionary Other	Establishes the offices of probation officer, assistant probation officer, and deputy probation officer in each county, except as provided in Gov. Code, § 69906. Requires the probation officer to be appointed in every county. Requires the probation officers in any county to be nominated by the juvenile justice commission or regional juvenile justice commission of such county as directed by the judge of the juvenile court and then to be appointed by such judge. Gives the probation officer power to appoint as many deputies or assistant probation officers as he or she desires, and specifies that such deputies or assistant probation officers have no authority to act until their appointments have been approved by a majority vote of the members of the juvenile justice commission and by the judge of the juvenile court. Provides for the expiration of the term of office of each such deputy or assistant probation officer with the term of the probation officer who appointed him or her.	Juvenile Justice Commission	Gov. Code, § 69906
Appointment and Removal	Welf. & Inst. Code, § 270	Statute	Mandate Discretionary Other	Gives the probation officer authority to revoke and terminate any appointment of any deputy or assistant probation officer with the written approval of the majority of the members of the juvenile justice commission and of the judge of the juvenile court. Provides that probation officers may be removed at any time by the judge of the juvenile court for good cause shown. Provides that probation officers may be removed at any time by the judge of the juvenile court with the written approval of a majority of the members of the juvenile justice commission.	Juvenile Justice Commission; Judge of Juv. Court	
Appointment and Removal	Welf. & Inst. Code, § 271	Statute	Other	Provides that in counties having charters or merit or civil service systems that provide a method of appointment and tenure of office for probation officers, assistant probation officers, deputy probation officers, and other employees of the juvenile hall, such charter or merit or civil service system provisions should control as to such matters. Provides that in all other counties the method of appointment and tenure of office for probation officers, assistant probation officers, deputy probation officers, and other employees of the juvenile hall is to be controlled exclusively by the provisions of the Welf. & Inst. Code.		
Appointment and Removal	Welf. & Inst. Code, § 854	Statute	Mandate	Requires that the superintendent and other employees of the juvenile hall be appointed by the probation officer, and that they may be removed for cause, pursuant to a civil service or merit system.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Appointment and Removal in Contra Costa County	Gov. Code, § 73357	Statute		Provides that municipal court judicial districts in the county of Contra Costa may have no more than four court probation officers for all districts in total. Requires that the court probation officers be appointed by a majority of the judges of the court, or by the presiding judge in a two-judge court, to which the probation officer is appointed. Specifies that probation officers report directly to the judges of the district to which they are appointed. Gives court probation officers in the Contra Costa county authority to exercise all of the powers within the jurisdiction of the court and under the direction of the judges, and gives the probation officer power to perform all of the duties of a deputy probation officer.	County Judiciary	
Appointment and Removal in Mendocino County	Gov. Code, § 69906.5	Statute	Mandate	Provides that notwithstanding Welf. & Inst. Code, § 270, the offices of assistant probation officer and deputy probation officer, or either of them, in Mendocino County, can exist only if established by an ordinance adopted by the board of supervisors. Specifies that the probation officer may appoint one or more deputy or assistant probation officers only if the positions have been authorized by the board of supervisors.	Bd. of Sups.	Welf. & Inst. Code, § 270
Compensation: Retirement	Gov. Code, § 31469.4	Statute	Other	Includes probation officers employed in juvenile hall, who are primarily engaged in the control and custody of delinquent youths who must be detained under physical security in order not to be harmful to themselves or others, within the definition of a <i>safety member</i> . Specifies that the provision of Gov. Code, § 31469, cannot be applicable in any county until the board of supervisors makes the provisions applicable by resolution.	Bd. of Sups.	Gov. Code, § 31469
Compensation: Retirement	Gov. Code, § 31469.5(a)	Statute	Other	Requires the applicability of this section in the retirement system of a county of the 10th class, as defined by Gov. Code, §§ 28020, 28031, as amended by ch. 1204 of the Statutes of 1971, if the board of supervisors executes a memorandum of understanding with the employee representatives, and if the board of supervisors adopts, by majority vote, a resolution providing for safety status for probation officers, as provided in Gov. Code, § 31469.4.	Bd. of Sups.	Gov. Code, §§ 28020, 28031, 31469.4
Compensation: Retirement	Gov. Code, § 31469.5(b)	Statute	Mandate Other	Provides that the purpose of this section is to provide optional safety status for probation officers employed on or before March 1, 1991. Requires that, notwithstanding Gov. Code, § 31558.6, the optional safety status provision be exercised within 120 days from the effective date of the implementation of Gov. Code, § 31469.4, together with the option to receive credit as a safety member for all or part of the time during which his or her duties would have made him or her eligible to become a safety member, if this section had then been in effect.		Gov. Code, §§ 31558.6, 31469.4
Compensation: Retirement	Gov. Code, § 31469.5(c)	Statute	Other	Requires that the retirement benefits of existing probation officers who elect to transfer from general membership in the county retirement system to safety membership be implemented pursuant to Gov. Code, § 31484.5. Outlines exceptions to the requirement that the retirement benefits of those probation officers that transfer to safety membership be implemented pursuant to Gov. Code, § 31484.5.		Gov. Code, § 31484.5
Compensation: Retirement	Gov. Code, § 31469.5(d)	Statute	Other	Requires the transfer of all probation officers from Tier III to Tier II if they elect to transfer from general membership in the county retirement system to safety membership, regardless of their status prior to selecting Tier III benefits.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Compensation: Retirement	Gov. Code, § 31469.5(e)	Statute	Other	Requires all persons hired after the effective date of implementation of Gov. Code, § 31469.4, to have, upon retirement, his or her cost-of-living allowance and final compensation computed in accordance with this section.		Gov. Code, § 31469.4
Facilities	Welf. & Inst. Code, § 207.5	Statute	Other	Makes it a misdemeanor for anyone to misrepresent or falsely identify himself or herself either verbally or by presenting any fraudulent written instrument to any probation officer, among other specified entities, for the purpose of securing admission to the premises or grounds of any juvenile hall, ranch, or camp, or to gain access to any minor detained there, and who would not otherwise qualify for admission or access.		
Facilities	Welf. & Inst. Code, § 282	Statute	Other	Gives the judge of the juvenile court authority to require the probation officer, at any time and upon the request of the county board of supervisors, to look into and report to the court on the qualifications and management of any society, association, or corporation, other than a state institution, that applies for or receives custody of any ward or dependent child of the juvenile court. Prohibits any probation officer from entering any institution without its consent, and prohibits commitments to institutions that refuse such consent.	Bd. of Sups.; Juv. Court Judge	
Facilities	Welf. & Inst. Code, § 636.2	Statute	Discretionary	Gives the probation officer discretionary authority to operate and maintain nonsecure detention facilities, or to contract with public or private agencies offering such services, for those minors who are not considered escape risks and are not considered a danger to themselves or to the person or property of another. Specifies criteria to be considered for detention in such facilities. Provides that a minor who leaves such nonsecure detention facility without permission may be housed in a secure facility following his apprehension, pending a detention hearing pursuant to Welf. & Inst. Code, § 632.	Public or Private Agencies	Welf. & Inst. Code, § 632
Facilities	Welf. & Inst. Code, § 852	Statute	Other	Places the juvenile hall under the management and control of the probation officer.		
Facilities	Welf. & Inst. Code, § 855	Statute	Mandate	Mandates the probation officer to keep a classified list of expenses for the operation of the juvenile hall and to file a duplicate copy with the county board of supervisors.		
Facilities	Welf. & Inst. Code, § 862	Statute	Discretionary	Gives the probation officer authority to receive and detain in the county juvenile hall, for no more than three judicial days in the absence of a valid detention order issued by a federal court, any juvenile committed thereto by process or order issued under the authority of the United States, until such juvenile is discharged according to law as if he had been committed under process issued under the authority of this state. Gives juveniles detained pursuant to this section all the rights, powers, privileges, and duties that are afforded juveniles detained pursuant to the laws of this state, and requires that juveniles detained pursuant to this section receive the same treatment as juveniles detained pursuant to laws of this state.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Facilities	Welf. & Inst. Code, § 870	Statute	Other	Authorizes two or more counties, pursuant to art. 1 (commencing with § 6500) of ch. 5 of div. 7 of tit. 1 of Gov. Code, to establish and operate a joint juvenile hall. Places such joint juvenile hall under the management and control of the probation officers, acting jointly, of the participating counties, or of one of such probation officers as provided by the agreement among the counties. Places the managing probation officer or officers in charge of a superintendent selected pursuant to a civil service or merit system. Requires that a joint juvenile hall be operated in the manner prescribed by ch. 2 ("Juvenile Court Law") of pt. 1 of div. 2 of Welf. & Inst. Code.		Gov. Code, art. 1 of ch. 5 of div. 7, § 6500; Welf. & Inst. Code, div. 2 of pt. 1 of ch. 2
Facilities	Welf. & Inst. Code, § 873(a)	Statute	Discretionary	Authorizes the chief probation officer of the county, upon approval of the board of supervisors, to establish, maintain, and operate a store in connection with the juvenile hall or other county juvenile facilities. Authorizes the chief probation officer, upon approval of the board of supervisors, to purchase various goods, articles, and supplies, and to sell such goods, articles, and supplies for cash, to wards and detainees confined in the juvenile hall or other county juvenile facilities.	Bd. of Sups.	
Facilities	Welf. & Inst. Code, § 873(b)	Statute	Other	Requires that the sale prices of the articles offered for sale at the store established pursuant to subd. (a) be fixed by the chief probation officer. Requires any profit acquired as a result of such sale to be deposited in a Ward Welfare Fund, which is required to be established in the treasury of the county.		
Facilities	Welf. & Inst. Code, § 873(c)	Statute	Other	Requires a deposit of 10 percent of all gross sales of confined minor hobbycraft into the Ward Welfare Fund.		
Facilities	Welf. & Inst. Code, § 873(d)	Statute	Other	Requires a deposit of any money, refund, rebate, or commission received from a telephone company or pay telephone provider into the Ward Welfare Fund, when such money, refund, rebate, or commission is attributable to the use of pay telephones that are primarily used by confined wards or detainees while incarcerated.		
Facilities	Welf. & Inst. Code, § 873(e)	Statute	Mandate	Mandates the chief probation officer to expend the money and property deposited in the Ward Welfare Fund primarily for the benefit, education, and welfare of the wards and detainees confined within the juvenile hall or other county juvenile facilities. Authorizes the chief probation officer to expend any funds that are not needed for the welfare of the confined wards and detainees at his or her sole discretion for the maintenance of county juvenile facilities. Specifies that maintenance of the juvenile hall or other county juvenile facilities may include, but is not limited to, education, drug and alcohol treatment, welfare, library, accounting, and other programs deemed appropriate by the chief probation officer.		
Facilities	Welf. & Inst. Code, § 873(f)	Statute	Other	Places the operation of a store within any other county juvenile detention facility that is not under the jurisdiction of the chief probation officer under the governance of provisions of this section, except that the board of supervisors are is to designate the proper county official to exercise the duties otherwise allocated in this section to the chief probation officer.	Bd. of Sups.	

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Facilities	Welf. & Inst. Code, § 873(h)	Statute	Discretionary	Authorizes the chief probation officer to expend money from the Ward Welfare Fund to provide indigent wards and detainees, prior to release from the juvenile hall, any county juvenile facility, or other juvenile detention facility under the jurisdiction of the chief probation officer, with essential clothing and transportation expenses within the county or, at the discretion of the chief probation officer, transportation to the minor's county of residence if the county is within the state or 500 miles from the county of incarceration. Specifies that this subdivision does not authorize expenditure of money from the Ward Welfare Fund for the transfer of any ward or detainees to the custody of any other law enforcement official or jurisdiction.		
Facilities	Welf. & Inst. Code, § 1852	Statute	Other	Mandates the board of supervisors to place responsibility for internal management of the youth correctional center with the chief probation officer.	Bd. of Sups.	
Facilities	Welf. & Inst. Code, § 1854	Statute	Other	Places the offender under the control of the chief probation officer while under commitment to the youth correctional center. Specifies that the offender may be confined to the center at all times. Provides that the offender may be released for brief periods to work, attend school, or engage in educational or recreational pursuits. Provides that the offender may be allowed to live in the community and return to the center for specific services as directed by the chief probation officer.		
Facilities	Welf. & Inst. Code, § 1855	Statute	Other	Requires that earnings of offenders who reside in the youth correctional center and work in the community be collected by the chief probation officer. Authorizes the chief probation officer, from the earnings of the offender, to pay the offender's board and personal expenses and such administrative costs as are allocable to him or her. Provides that any balance may be paid periodically to the offender as deemed appropriate by the chief probation officer. Requires all funds credited to the offender's account be paid to the offender upon the offender's release from juvenile court wardship or termination of his or her probation.		
Funding	Pen. Code, § 1203.1(k)	Statute	Other	Requires that all fines collected by a county probation officer as a condition of the granting of probation or as a part of the terms of probation be paid into the county treasury and placed in the general fund for the use and benefit of the county, except as specified.		Gov. Code, § 13967
Funding	Pen. Code, § 1203.1b(g)	Statute	Other	Allocates all sums paid by defendants pursuant to Pen. Code, § 1203.1b, for the operation of the county probation department.		Pen. Code, § 1203.1b
Funding	Pen. Code, § 1203.1b(h)	Statute	Other	Provides that the board of supervisors in any county may by resolution establish a fee not to exceed \$50 for the processing of payments made in installments to the probation department pursuant to Pen. Code, § 1203.1b.	Bd. of Sups.	Pen. Code, § 1203.1b
Funding	Pen. Code, § 1203.1bb(g)	Statute	Other	Requires all sums paid by a defendant pursuant to this section to be allocated for the operating expenses of the county probation department.		

Probation Services Task Force
Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Funding	Pen. Code, § 1203.73	Statute	Other	Provides that the probation officers and deputy probation officers in all counties of the state are allowed such necessary incidental expenses incurred in the performance of their duties as may be authorized by a judge of the superior court, which should be a charge upon the county. Specifies that in counties in which the probation officer is appointed by the board of supervisors, the expenses are to be authorized by the probation officer and audited and paid in the same manner as other county claims.		
Funding	Pen. Code, § 1203.74	Statute	Mandate	Mandates the probation officer to notify immediately the presiding judge of the superior court and the board of supervisors of the county in writing upon a determination that, in his or her opinion, staff and financial resources available to him or her are insufficient to meet statutory or court ordered responsibilities. Specifies that the notification should explain which responsibilities cannot be met and what resources are necessary in order that statutory or court-ordered responsibilities can be properly discharged.	Local Judiciary; Bd. of Sups.	
Funding	Welf. & Inst. Code, § 275	Statute	Mandate	Mandates the probation officer or other county officer designated by the board of supervisors to keep suitable books and accounts and to give and keep suitable receipts and vouchers.	Bd. of Sups.	
Funding	Welf. & Inst. Code, § 276	Statute	Discretionary Mandate	Gives the probation officer authority to receive money payable to the county when ordered to do so by a court of competent jurisdiction, and requires that such money be deposited or invested in the same manner as the other items set forth in this section. Mandates the probation officer to pay into the county treasury all money collected by him or her under his or her control during the preceding month that is payable into the treasury in conformity with Gov. Code, § 24353, if a bank account or savings and loan association investment certificate or share account is authorized pursuant to this section.		Gov. Code, § 24353
Funding	Welf. & Inst. Code, § 276(a)	Statute	Discretionary Other	Gives the probation officer authority to receive money payable to spouse or child in an action for divorce, separate maintenance, or similar action, together with court costs, upon order of a court of competent jurisdiction. Gives the probation officer authority to give his or her receipt for such money received; to deposit or invest such money as soon as practicable in the county treasury, in a commercial bank account designated and approved for such a purpose by the board of supervisors, or in investment certificates or share accounts issued by a savings and loan association doing business in this state, insured by the Federal Savings and Loan Insurance Corporation, and designated and approved for such purpose by the board of supervisors; and to direct the disbursement of such money received. Gives the court authority to designate a bonded employee of the court to act as court trustee for the receipt and disbursement of money under this subdivision.	Bd. of Sups.	

Probation Services Task Force
Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Funding	Welf. & Inst. Code, § 276(b)	Statute	Discretionary Other	Gives the probation officer authority to receive money payable to or on behalf of a ward or dependent child of the juvenile court or a person concerning whom a petition has been filed in the juvenile court. Gives the probation officer authority to give his or her receipt for such money received; to deposit or invest such money as soon as practicable in the county treasury, in a commercial bank account designated and approved for such a purpose by the board of supervisors, or in investment certificates or share accounts issued by a savings and loan association doing business in this state, insured by the Federal Savings and Loan Insurance Corporation, and designated and approved for such purpose by the board of supervisors; and to direct the disbursement of such money received. Gives the probation officer authority to petition the court for approval of any past or prospective disbursement.	Bd. of Sups.	
Funding	Welf. & Inst. Code, § 276(c)	Statute	Discretionary Other	Gives the probation officer authority to receive money payable to, by, or on behalf of probationers under the supervision of the probation officer. Gives the probation officer authority to give his or her receipt for such money received; to deposit or invest such money as soon as practicable in the county treasury, in a commercial bank account designated and approved for such a purpose by the board of supervisors, or in investment certificates or share accounts issued by a savings and loan association doing business in this state, insured by the Federal Savings and Loan Insurance Corporation, and designated and approved for such purpose by the board of supervisors; and to direct the disbursement of such money received. Gives the probation officer authority to petition the court for approval of any past or prospective disbursement.	Bd. of Sups.	
Funding	Welf. & Inst. Code, § 276(d)	Statute	Discretionary Other	Gives the probation officer authority to receive money payable to a child, wife, or indigent parent when it has been alleged or claimed that there has been a violation of Pen. Code, § 270, 270a, or 270c, and the matter has been referred to the probation officer by the district attorney. Gives the probation officer authority to give his or her receipt for such money received; to deposit or invest such money as soon as practicable in the county treasury, in a commercial bank account designated and approved for such a purpose by the board of supervisors, or in investment certificates or share accounts issued by a savings and loan association doing business in this state, insured by the Federal Savings and Loan Insurance Corporation, and designated and approved for such purpose by the board of supervisors; and to direct the disbursement of such money received.	Dist. Atty.	Pen. Code, §§ 270, 270a, 270c

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Funding	Welf. & Inst. Code, § 276(e)	Statute	Discretionary Other	Gives the probation officer authority to receive gifts of money made to the county to assist in the prevention or correction of delinquency or crime when the donor requests the probation officer to disburse such funds for such purposes and the board of supervisors accepts the gift upon such conditions. Gives the probation officer authority to give his or her receipt for such money received; to deposit or invest such money as soon as practicable in the county treasury, in a commercial bank account designated and approved for such a purpose by the board of supervisors, or in investment certificates or share accounts issued by a savings and loan association doing business in this state, insured by the Federal Savings and Loan Insurance Corporation, and designated and approved for such purpose by the board of supervisors; and to direct the disbursement of such money received.	Bd. of Sup.	
Funding	Welf. & Inst. Code, § 277	Statute	Discretionary Mandate	Gives the probation officer authority to authorize the sale of articles of handiwork made by wards under the jurisdiction of the probation officer to the public at probation institutions, in public buildings, at fairs, or on property operated by nonprofit associations. Requires the cost of any county materials or other property consumed in the manufacture of articles to be paid for out of funds received from the sale of the articles, and the remainder of any funds received from the sale to be placed in the ward's trust account pursuant to Welf. & Inst. Code, § 276, subd. (b).		Welf. & Inst. Code, § 276(b)
Funding	Welf. & Inst. Code, § 278	Statute	Other	Gives the board of supervisors authority to delegate to the auditor or other county officer any of the functions of the probation officer authorized by Welf. & Inst. Code, § 276, and required by Code Civ. Proc., §§ 1685–1687, inclusive.	Bd. of Sup.	Welf. & Inst. Code, § 276; Code Civ. Proc., §§ 1685–1687
Funding	Welf. & Inst. Code, § 740(d)	Statute	Other	Mandates the county of residence, if a minor is placed in a community care facility out of his or her county of residence and is then arrested and placed in juvenile hall pending a jurisdictional hearing, to pay to the probation department of the county of placement all reasonable costs resulting directly from the minor's stay in the juvenile hall, provided that these costs exceed \$100.		
Funding	Welf. & Inst. Code, § 740(e)	Statute	Other	Mandates the county of residence, if a minor is remanded back to his or her county of residence as a result of the hearing in subd. (d), to pay to the probation department of the county of placement all reasonable costs resulting directly from transporting the minor to the county of residency in addition to any payment made pursuant to subd. (d), provided that these costs exceed \$100.		
Funding	Welf. & Inst. Code, § 740(e)	Statute	Other	Requires that claims made by the probation department in the county of placement to the county of residence, pursuant to subds. (d) and (e) of this section, to be paid within 30 days of the submission of these claims. Specifies that the probation department in the county of placement should bear the remaining expense.		
Funding	Welf. & Inst. Code, § 16500.51(c)	Statute	Discretionary	Authorizes the county probation department, through an interagency agreement with the county welfare department, to refer cases to the county welfare department for the provision of services under this subdivision.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Funding	Welf. & Inst. Code, § 16500.65(c)	Statute	Discretionary	Authorizes the county probation department, through an interagency agreement with the county welfare department, to refer cases to the county welfare department for the direct provision of services under this subdivision.		
Governance	Gov. Code, § 1481.1	Statute	Discretionary	Gives the board of supervisors of a county, for the purposes of Gov. Code, § 1481, the appointing power of the adult probation officer and his or her assistants and deputies. States that the adult probation officer and his or her assistants and deputies are deemed to be employees of the county in which they are appointed and provides for their inclusion as covered employees in any master bond used in such county.	Bd. of Sups.	Gov. Code, § 1481
Governance	Pen. Code, § 1202.7	Statute	Other	Makes legislative findings and declarations of the probation services as an essential element in the administration of criminal justice. Identifies safety of the public through the enforcement of court-ordered conditions as the primary goal of probation. Also identifies primary considerations in granting probation as the nature of the offense; the interests of justice, including punishment, reintegration of the offender into the community, and enforcement of conditions of probation; the loss to the victim; the needs of the defendant; and the safety of the public.		
Governance	Pen. Code, § 1203.016(h)	Statute	Other	Defines <i>correctional administrator</i> , for the purposes of Pen. Code, § 1203.016, and specifies the probation officer as one of the entities included in the definition.		
Governance	Pen. Code, § 1203.5	Statute	Other	Creates the offices of adult probation officer, assistant adult probation officer, and deputy adult probation officer. Defines the probation officers, assistant probation officers, and deputy probation officers appointed in accordance with ch. 2 of div. 2 of pt. 1 of Welf. & Inst. Code as ex officio adult probation officers, assistant adult probation officers, and deputy adult probation officers, except in any county or city and county whose charter provides for the separate office of adult probation officer. Specifies that an adult probation officer perform the duties of the probation officer, except for matters under the jurisdiction of the juvenile court, where the separate office of adult probation officer has been established. Permits any adult probation officer to accept appointment as a member of the Board of Corrections in addition to duties as an adult probation officer.		Welf. & Inst. Code, ch. 2 of div. 2 of pt.1
Governance	Pen. Code, § 1203.71	Statute	Discretionary Other	Authorizes a deputy probation officer to perform any of the duties of the probation officer, and mandates the deputy probation officer to perform any of such duties whenever detailed to perform those by the probation officer. Makes it a duty of the probation officer to see that the deputy probation officer performs his or her duties. Provides that the probation officer and each deputy probation officer should have, with respect to the person committed to the care of the probation officer or deputy probation officer, the powers of a peace officer. Specifies that the probation officers and deputy probation officers are to serve as such probation officers in all courts having original jurisdiction over criminal actions in this state.		
Governance	Pen. Code, § 1208.2(a)(2)	Statute	Other	Includes the probation officer in the definition of <i>administrator</i> as used in this section.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Governance	Welf. & Inst. Code, § 202.5	Statute	Mandate	Mandates the duties of the probation officer to be deemed social service with respect to minors alleged or adjudged to be dependent children of the court as described by Welf. & Inst. Code, § 300, whether or not the board of supervisors delegated to the county welfare department all or part of such duties of the probation officer pursuant to Welf. & Inst. Code, § 272. States that the probation officer's social service duties to such dependent children of the court are subject to the administration, supervision, and regulations of the State Department of Social Services.	Bd. of Sups.; Dept. of Social Services	Welf. & Inst. Code, §§ 272, 300
Governance	Welf. & Inst. Code, § 240	Statute	Other	Sets up a probation commission consisting of not less than seven members to be appointed by the same authority authorized to appoint the probation officer, in lieu of a county juvenile justice commission in counties with a population in excess of 6 million.		
Governance	Welf. & Inst. Code, § 241	Statute	Other	Provides that the members of a probation commission appointed and holding office under prior provisions of law on January 1, 1997, should continue in office and should be members of the probation commission created for the same term as that for which they were appointed.		
Governance	Welf. & Inst. Code, § 242	Statute	Other	Provides that the members of the probation commission are to hold office for four years, and until their successors are appointed and qualify. Specifies the duration of the respective terms of the members and requires that the terms be determined by lot as soon as possible after members' appointment. Specifies the appointment guidelines for filling vacancies.		
Governance	Welf. & Inst. Code, § 243	Statute	Other	Identifies the probation commission as an advisory entity to the probation officer.	Prob. Commission	
Governance	Welf. & Inst. Code, § 272(a)	Statute	Other	Gives the board of supervisors authority to delegate all or part of the duties of the probation officer concerning dependent children described in Welf. & Inst. Code, § 300, to the county welfare department.	Bd. of Sups.	Welf. & Inst. Code, § 300
Governance	Welf. & Inst. Code, § 274	Statute	Mandate Other	Requires each probation officer and each assistant and deputy probation officer receiving an official salary to furnish a bond in the sum of not more than \$2,000 and approved by the judge of the juvenile court, conditioned for the faithful discharge of the duties of his or her office. Specifies that such premium should be paid out of the county treasury if it is furnished by a surety company. Provides that such individual bonds are not required if the probation officer, assistants, and deputies are included as covered employees in a master bond pursuant to Gov. Code, §§ 1481, 1481.1.		Gov. Code, §§ 1481, 1481.1
Governance	Welf. & Inst. Code, § 283	Statute	Other	Gives every probation officer, assistant probation officer, and deputy probation officer powers and authority conferred by law upon peace officers listed in Pen. Code, § 830.5.		Pen. Code, § 830.5
Governance	Welf. & Inst. Code, § 286	Statute	Mandate	Provides that any person lawfully appointed to serve as a probation officer or assistant or deputy probation officer prior to the effective date of this section should continue in his or her office or employment as if appointed in the manner prescribed by art. 5 of ch. 2 of pt. 1 of Welf. & Inst. Code (commencing with § 270).		Welf. & Inst. Code, art. 5 of ch. 2 of pt. 1

Probation Services Task Force
Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Governance	Welf. & Inst. Code, § 16516(a)	Statute	Mandate	Prohibits any probation officer or social worker acting as an officer of the court for purposes of ch. 5 ("State Child Welfare Services") (commencing with § 16500), directly or indirectly, from lobbying for, acting as a consultant, entering into a business transaction with, acquiring ownership of, or obtaining a pecuniary interest in any business that has received any funds or income from court-ordered child welfare services.		Welf. & Inst. Code, ch. 5 (commencing with § 16500)
Prevention	Pen. Code, § 1203.13	Statute	Discretionary	Allows the probation officer of any county to establish, or assist in the establishment of, any public council or committee having as its object the prevention of crime. Permits the probation officer to cooperate with or participate in the work of any such councils or committees for the purpose of preventing or decreasing crime, including the improvement of recreational, health, and other conditions in the community.	Community	
Prevention	Pen. Code, § 1203.14	Statute	Discretionary	Allows probation departments to engage in activities, including the rendering of direct and indirect services to persons in the community, designed to prevent adult delinquency. Specifies that probation departments not be limited to provision of services only to those persons on probation being supervised under Pen. Code, § 1203.10, and that probation departments may provide services to any adults in the community.		Pen. Code, § 1203.10
Prevention and Intervention	Welf. & Inst. Code, § 601.5(b)	Statute	Other	Includes the probation department in a collaborative group mandated to design and develop the At-Risk Youth Early Intervention Program, which is designed to assess and serve families with children who have chronic behavioral problems that place the child at risk of becoming a ward of the juvenile court under Welf. & Inst. Code, § 601 or 602.	Juv. Court.; DA; PD; DSS; COE; County Mental Health; CBOs	Welf. & Inst. Code, §§ 601, 602
Prevention and Intervention	Welf. & Inst. Code, § 601.5(c)	Statute	Other	Requires that the At-Risk Youth Early Intervention Program include one or more neighborhood-based Youth Referral Centers for at-risk youth and their families and provides that the center may be staffed as a collaborative services model involving probation officers among other entities.	Probation Officers; School Officers; Mental Health or Service Providers	
Prevention and Intervention	Welf. & Inst. Code, § 601.5(d)	Statute	Other	Names the probation officer as one of the entities that may refer a minor to a youth referral center. Specifies that a minor may be referred to the program if the minor is at least 10 years of age and is believed by the referring source to be at risk of justice system involvement due to specified problems.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Prevention and Intervention	Welf. & Inst. Code, § 601.5(g)	Statute	Mandate Other	Mandates the probation department to file a petition seeking to declare the minor a ward of the juvenile court under Welf. & Inst. Code, § 601, subd. (a), if the supervising caseworker at the center and the liaison probation officer, upon consultation with the minor's parents and with providers designated in the service plan, agree that the minor has willfully, significantly, and repeatedly failed to cooperate with the service plan. Prohibits the referral of any minor to the probation department for the filing of a petition under this subdivision until at least 90 days have elapsed after the first attempt to implement the service plan. Specifies that no minor should be subject to filing of a petition under this subdivision for a failure to complete the service plan that is due principally to an inability of the minor or the family to pay for the services listed in the service plan.		Welf. & Inst. Code, § 601(a)
Services: Casework	Cal. Rules of Court, rule 4.411.5	Regulation	Mandate	Outlines the specific information that a probation officer is required to include in a presentence investigation report in a felony case with any other additional information.		
Services: Casework	Fam. Code, § 1817	Statute	Mandate	Mandates the probation officer in every county to give assistance to the family conciliation court and to make investigations and reports that the court may request, to carry out the purposes of Pen. Code, pt. 1; also "Family Conciliation Court Law" of div. 5 (commencing with § 1800).		Fam. Code, pt. 1; also "Family Conciliation Court Law" of div. 5 (commencing with § 1800)
Services: Casework	Pen. Code, § 273.1(b)	Statute	Mandate	Mandates the probation officer to recalendar the case for hearing or refer the defendant to an appropriate alternative child abuser's treatment counseling program if any treatment program to which a child abuser is referred finds that the defendant is unsuitable and the treatment program contacts the probation department or the court.		
Services: Casework	Pen. Code, § 1191.1	Statute	Mandate	Mandates the probation officer to give adequate notice of all sentencing proceedings concerning the person who committed the crime to the victim, or the parents or guardians of the victim who is a minor, or the next of kin of the victim if the victim has died.		
Services: Casework	Pen. Code, § 1191.2	Statute	Mandate	Requires that the probation officer provide the victim for whom the probation officer has a current mailing address, and in addition to the notice of all sentencing proceedings concerning the person who committed the crime pursuant to Pen. Code, § 1911.1, with information in written form concerning the victim's right to civil recovery against the defendant; the requirement that the court order restitution for the victim; the victim's right to receive a copy of the restitution order from the court and to enforce the restitution order as a civil judgment; the victim's responsibility to furnish the probation department, district attorney, and court with information relevant to his or her losses; and the victims' opportunity to be compensated from the Restitution Fund if eligible under art. 1 of ch. 5 of pt. 4 of div. 3 of tit. 2 of Gov. Code.		Pen. Code, § 1911.1; Gov. Code, art. 1 of ch. 5 of pt. 4 of div. 3 of tit. 2

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Pen. Code, § 1191.3	Statute	Mandate	Mandates the probation officer to provide, at the time of sentencing in all felony convictions, a general estimate of the conduct and work-time credits to which the defendant may be entitled for previous time served and the conduct or work-time credits authorized under Pen. Code, § 2931, 2933, or 4019. Mandates the probation officer to inform the victim of such general estimate of the credits pursuant to Pen. Code, § 1191.1. Mandates the probation officer to file with the court this estimate, which subsequently becomes a part of the court record.		Pen. Code, §§ 2931, 2933, 4019, 1191.1
Services: Casework	Pen. Code, § 1202.8(a)	Statute	Other	Assigns persons placed on probation by a court under the supervision of the county probation officer and requires the probation officer to determine both the level and type of supervision consistent with the court-ordered conditions of probation.		
Services: Casework	Pen. Code, § 1202.8(b)	Statute	Mandate	Requires the probation officer to establish, within 30 days of a court making an order to provide restitution to a victim or to the Restitution Fund, an account into which any restitution payments that are not deposited into the Restitution Fund are to be deposited.		
Services: Casework	Pen. Code, § 1203(c)	Statute	Mandate	Requires that the probation officer discuss the contents of the probation report with the defendant if a defendant is not represented by an attorney.		
Services: Casework	Pen. Code, § 1203.03(c)	Statute	Discretionary	Provides that the probation officer may retain a copy of the diagnosis and recommendations report concerning the disposition of a defendant's case, prepared by the director of the Department of Corrections, for the purpose of supervision of the defendant if the defendant is placed on probation by the court. Requires the probation officer to return the copy of the report to the sealed file upon the completion or termination of probation.	Dept. of Correct.	
Services: Casework	Pen. Code, § 1203.10	Statute	Mandate	Mandates the probation officer, when directed by the court, to inquire into the antecedents, character, history, family environment, and offense of the defendant over 18 years of age at the time of the plea or verdict of guilty, and provides that the probation officer must report his or her findings to the court, including a recommendation for or against the defendant on probation, and must file the report in writing in the records of such court. Mandates the probation officer to keep a complete and accurate record in writing, which is part of the court record and is required to made available to the court and other specified parties, of the history of the case in court, the name of the probation officer and his or her act in connection with said case, specified data about the person committed to probation officer's care, and the result of such probation. Specifies that the probation officer may destroy any records and papers in his or her possession relating to such case five years after termination of probation.		
Services: Casework	Pen. Code, § 1203.1(h)	Statute	Mandate	Mandates the probation officer or probation officer's designated representative to consider whether any defendant who has been convicted of a nonviolent and nonserious offense and ordered to participate in community service as a condition of probation be required to engage in the performance of house repairs or yard services for senior citizens.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Pen. Code, § 1203.1(i)(2)	Statute	Other	Specifies that the court may order, as a condition of probation, at the request of the victim or in the court's discretion, that the defendant, who has been convicted of any sex offense subject to the registration requirements of Pen. Code, § 290, stay away from the victim and the victim's residence or place of employment, and that the defendant have no contact with the victim in person, by telephone or electronic means, or by mail.		Pen. Code, § 290
Services: Casework	Pen. Code, § 1203.1a	Statute	Discretionary	Permits the probation officer of the county to authorize, within 30 days prior to the inmate's release date, the temporary removal under custody or temporary release without custody of any inmate of the county jail, honor farm, or other detention facility who is confined or committed as a condition of probation, after suspension of imposition of sentence or suspension of execution of sentence, for purposes preparatory to the inmate's return to the community.		
Services: Casework	Pen. Code, § 1203.1abc(b)	Statute	Discretionary	Authorizes the probation officer to use volunteers from the community to provide assistance to probationers under Pen. Code, § 1203.1abc.		
Services: Casework	Pen. Code, § 1203.1b(d)	Statute	Mandate	Mandates the court or the probation officer to set payments, if applicable, pursuant to Pen. Code, § 1203.1b, subds. (a) and (b), to be made on a monthly basis.		Pen. Code, § 1203.1b(a) and (b)
Services: Casework	Pen. Code, § 1203.1bb(a)	Statute	Mandate	Mandates the probation officer or his or her authorized representative to make a determination of the ability of the defendant to pay all or a portion of the reasonable cost incurred by the probation department when conducting activities specified in Pen. Code, §§ 1203.7, 1203, 1203.9, 11175–11179 inclusive, in any case in which a defendant is convicted of an offense and is the subject of any preplea or presentence investigation and report, whether or not probation supervision is ordered by the court, and in any case in which a defendant is granted probation or given a conditional sentence. Provides that the reasonable cost cannot exceed the amount determined to be the actual average cost. Mandates the probation department of each county to develop a payment schedule for the reimbursement of the costs of preplea or presentence investigations based on income, which is to be approved by the presiding judge.		Pen. Code, §§ 1203, 1203.7, 1203.9, 11175–11179
Services: Casework	Pen. Code, § 1203.1bb(a)	Statute	Mandate	Mandates the probation officer, or his or her authorized representative, to determine the amount of payment and the manner in which the payments are to be made to the county, based upon the defendant's ability to pay. Mandates the probation officer to inform the defendant that the defendant is entitled to a hearing, which includes the right to counsel, in which the court will make a determination of the defendant's ability to pay and the payment amount. Specifies that the defendant must waive the right to a determination by the court by a knowing and intelligent waiver.		
Services: Casework	Pen. Code, § 1203.1bb(b)	Statute	Mandate	Mandates the probation officer to refer the matter to the court for the scheduling of a hearing to determine the amount of payment and the manner in which the payments are to be made in cases where the defendant fails to waive the right provided in Pen. Code, § 1203.1bb, subd. (a), to a determination by the court of his or her ability to pay and the payment amount.		Pen. Code, § 1203.1bb(a)

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Pen. Code, § 1203.12	Statute	Mandate	Directs the probation officer to furnish every person who has been released on probation under his or her supervision with a written statement of the terms and conditions of probation, unless the court has furnished such a statement. Requires that the probation officer report to the court or a judge any violation or breach of the terms and conditions imposed by such court on the person placed in the probation officer's care.		
Services: Casework	Pen. Code, § 1203.2(a)	Statute	Discretionary	Permits any probation or peace officer to rearrest and bring before the court without a warrant, at any time during the probationary period and at any time until the final disposition of the case, any person released on probation under the care of the probation officer or any person released on conditional sentence or summary probation not under the care of a probation officer if he or she has probable cause to believe that the probationer is violating any term or condition of the probation or the conditional sentence.		
Services: Casework	Pen. Code, § 1203.7	Statute	Mandate	Mandates the probation officer to inquire into the antecedents, character, history, family environment, and offense of any person over 16 years of age either at the time of the arrest or at the time of the plea or verdict of guilty when the probation officer is directed to do so by the court. Requires the probation officer to include his or her recommendation for or against the release of the person on probation in the report. Mandates the probation officer to keep a complete and accurate record in suitable books of specified information in connection with the case, and specifies that such record constitute a part of the records of the court and as such is open for inspection at all times to specified persons. Authorizes the probation officer to destroy any records and papers relating to any case five years after termination of probation. Mandates the probation officer to furnish each person released on probation to the probation officer's care a written statement of the terms and conditions of probation, and requires the probation officer to report to the court any violation or breach of the terms and conditions of probation.		
Services: Casework	Pen. Code, § 1208.2(d)	Statute	Mandate	Prohibits the correctional administrator, including the probation officer or his or her designee, from considering a person's ability or inability to pay all or a portion of the program fee for the purposes of granting or denying a person's participation in, or assigning a person to, any of the programs governed by this section.		
Services: Casework	Pen. Code, § 1208.2(f)	Statute	Discretionary	Gives the correctional administrator, including the probation officer or his or her designee, authority to charge a person the fee set by the board of supervisors, or any portion of the fee, and authority to determine the method and frequency of payment. Specifies that any fee that the administrator or his or her designee charges cannot be in excess of the fee set by the board of supervisors and must be based on the person's ability to pay. Gives the correctional administrator, including the probation officer or his or her designee, authority to waive the fees for program supervision when deemed necessary, justified, or in the interests of justice. Specifies that the fees charged for program supervision may be modified or waived at any time based on the changing financial position of the person.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Pen. Code, § 1208.3	Statute	Other	Provides that the administrator, including the probation officer, is not prohibited by Pen. Code, § 1208.2, subd. (c), from verifying that the prisoner is receiving wages at a rate of pay not less than the prevailing minimum wage requirement as provided for in Pen. Code, § 1208, subd. (c), that the prisoner is working a specified minimum number of required hours, and that the prisoner is covered under an appropriate or suitable worker's compensation insurance plan.		Pen. Code, §§ 1208(c), 1208.2(c)
Services: Casework	Pen. Code, § 1210.1(c)	Statute	Mandate Other	Mandates the probation department, within seven days of an order imposing probation under Pen. Code, 1210.1, subd. (a), to notify the drug treatment provider designated to provide treatment of an order imposing probation. Provides that the probation department may move the court to modify the terms of probation if the treatment provider notifies the probation department that the defendant is unamenable to the drug treatment provided but may be amenable to other drug treatments or related programs, and provides that probation may be revoked if the treatment provider notifies the probation department that the defendant is unamenable to the drug treatment provided and all other forms of drug treatment programs pursuant to Pen. Code, § 1210, subd. (b). Specifies that drug treatment as a condition of probation may not exceed 12 months, and that additional aftercare services as a condition of probation may be required for up to 6 months.	Drug Treatment Provider	Pen. Code, § 1210.1(a) and (b)
Services: Casework	Pen. Code, § 1210.1(e)	Statute	Other	Provides for incarceration of the defendant if probation is revoked pursuant to Pen. Code, § 1210.1, subd. (e). Provides that the court may modify or revoke probation if it is proved that the defendant committed a non-drug-related probation violation, and requires the court to conduct a hearing to determine whether probation should be revoked. Requires the court to conduct a hearing to determine whether probation should be revoked in a case where the defendant has committed a drug-related violation of probation for the first or second time, and mandates the court to revoke probation if the alleged probation violation is proved and the state proves by a preponderance of the evidence that the defendant poses a danger to the safety of others or that the defendant is unamenable to drug treatment. Provides that the court may intensify or alter the drug treatment plan or impose as an additional condition participation in a drug treatment program if probation is not revoked upon defendant's drug-related probation violation.		
Services: Casework	Pen. Code, § 1210.1(e)	Statute	Other	States that if a defendant for the third time violates probation either by committing a nonviolent drug possession offense or by violating a drug-related condition of probation, the court is required to conduct a hearing to determine whether probation shall be revoked, and if the alleged probation violation is proved, the defendant is not eligible for continued probation under Pen. Code, § 1210.1, subd. (a).		Pen. Code, § 1210.1(a)
Services: Casework	Pen. Code, § 1210.1(f)	Statute	Other	Specifies that the term <i>drug-related condition of probation</i> includes a probationer's specific drug treatment regimen, employment, vocational training, educational programs, psychological counseling, and family counseling.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Pen. Code, § 1210.5	Statute	Other	Mandates that any court-ordered drug testing should be used as a treatment tool in a case where a person has been ordered to undergo drug treatment as a condition of probation. States that when evaluating a probationer's treatment program, results of any drug testing cannot be given greater weight than any other aspects of the probationer's individual treatment program.		
Services: Casework	Pen. Code, § 1215	Statute	Other	Provides that if the defendant over the age of 16 years has been placed under the care and supervision of the probation officer upon the court's order, he or she is required to remain under the care and supervision of the probation officer of the court committing the defendant until the expiration of the period of probation and the compliance with the terms and conditions of the sentence, or until the suspension of the sentence.		
Services: Casework	Welf. & Inst. Code, § 280	Statute	Mandate	Mandates the probation officer, except where waived by the probation officer, judge, or referee and the minor, to be present in court to represent the interests of each person who is the subject of a petition to declare that person to be a ward or dependent child upon all hearings or rehearings of his or her case and to furnish to the court such information and assistance as the court may require. Mandates the probation officer to take charge of that person before and after any hearing or rehearing if so ordered. Requires that it be a duty of the probation officer to prepare, for every hearing on the disposition of a case as provided by Welf. & Inst. Code, § 356, 358, 358.1, 361.5, 364, 366, 366.2, or 366.21, as is appropriate for the specific hearing, or for a hearing as provided by Welf. & Inst. Code, § 702, a social study of the minor, containing such matters as may be relevant to a proper disposition of the case and including a recommendation for the disposition of the case.		Welf. & Inst. Code, §§ 356, 358, 358.1, 361.5, 364, 366, 366.2, 366.21, 702
Services: Casework	Welf. & Inst. Code, § 281	Statute	Mandate	Mandates the probation officer, upon order of any court in any matter involving the custody, status, or welfare of a minor or minors, to make an investigation of appropriate facts and circumstances and to prepare and file with the court written reports and written recommendations in reference to such matters.		
Services: Casework	Welf. & Inst. Code, § 281.5	Statute	Mandate	Mandates the probation officer, if he or she recommends to the court that a minor alleged to come within Welf. & Inst. Code, § 300, 601, or 602, or adjudged to come within Welf. & Inst. Code, § 300, 601, or 602, should be removed from the physical custody of his parent or guardian, to give primary consideration to recommending to the court that the minor be placed with a relative of the minor if such placement is in the best interests of the minor and will be conducive to reunification of the family.		Welf. & Inst. Code, §§ 300, 601, 602
Services: Casework	Welf. & Inst. Code, § 307	Statute	Mandate Other	Outlines procedures available to a peace or a probation officer for dealing with a minor after he or she has been taken into temporary custody under the provisions of Welf. & Inst. Code, § 305. Mandates the officer, in determining which disposition of the minor should be made, to give preference to the alternative that least interferes with the parents' or guardians' custody of the minor if this alternative is compatible with the safety of the minor and to consider the needs of the minor for the least restrictive environment and the protective needs of the community.		Welf. & Inst. Code, § 305

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Welf. & Inst. Code, § 307	Statute	Mandate Other	Outlines procedures that a peace or probation officer is required to follow after he or she takes a minor into temporary custody under the provisions of Welf. & Inst. Code, § 305. Mandates the officer to give preference to the alternative that least interferes with the parents' or guardians' custody of the minor and is compatible with the safety of the minor and to consider the needs of the minor for the least restrictive environment and the protective needs of the community when determining a proper disposition of the minor.		Welf. & Inst. Code, § 305
Services: Casework	Welf. & Inst. Code, § 307(a)	Statute	Discretionary	Provides that a peace or probation officer who takes a minor into temporary custody under the provision of Welf. & Inst. Code, § 305, may thereafter release the minor.		Welf. & Inst. Code, § 305
Services: Casework	Welf. & Inst. Code, § 628(a)	Statute	Mandate	Mandates the probation officer to immediately investigate the circumstances of a minor who has been taken into temporary custody under the provision of art. 15 ("Wards – Temporary Custody and Detention") of ch. 2 of pt. 1 of div. 2 of Welf. & Inst. Code and the facts surrounding his or her being taken into custody. Mandates the probation officer to immediately release the minor to the custody of his or her parent, legal guardian, or responsible relative, unless it can be demonstrated upon the evidence before the court that the continuance in the home is contrary to the minor's welfare and that one or more of the specified conditions exist.		Welf. & Inst. Code, art. 15 of ch. 2 of pt. 1 of div. 2
Services: Casework	Welf. & Inst. Code, § 628(b)	Statute	Mandate	Mandates the probation officer to make reasonable efforts, as described in Welf. & Inst. Code, § 727.4, par. (5), subd. (d), when conducting an investigation undertaken pursuant to subd. (a) of this section, to prevent or eliminate the need for removal of the minor from his or her home if the probation officer has reason to believe that the minor is at risk of entering foster care placement as defined in pars. (1) and (2) of Welf. & Inst. Code, § 727.4, subd. (d).		Welf. & Inst. Code, § 727.4(d)(1), (2), and (5)
Services: Casework	Welf. & Inst. Code, § 628.1	Statute	Mandate Other	Mandates the probation officer to proceed according to this section if the minor meets one or more of the criteria for detention under Welf. & Inst. Code, § 628, but the probation officer believes that 24-hour secure detention is not necessary to protect the minor or the person or property of another, or to ensure that the minor does not flee the jurisdiction of the court. Mandates the probation officer to release a minor, taken into temporary custody under Welf. & Inst. Code, § 628, to his or her parent, guardian, or responsible relative on home supervision, unless one of the conditions described in par. (1), (2), or (3) of Welf. & Inst. Code, § 628, subd. (a), exists. Mandates the probation officer to require such minor to sign a written promise that he or she understands and will observe the specific conditions of home supervision release as a condition of such release.		Welf. & Inst. Code, §§ 628, 628(a)(1), (2), and (3)
Services: Casework	Welf. & Inst. Code, § 628.1	Statute	Mandate Other	Mandates the probation officer to also require the minor's parent, guardian, or responsible relative to sign a written promise, translated into language the parent understands if necessary, that he or she understands the specific conditions of home supervision release as an additional condition for release. Specifies that these conditions may include curfew and school attendance requirements related to the protection of the minor or the person or property of another, or to the minor's appearances at court hearings. Provides that a minor who violates a specific condition of home supervision release may be taken into custody and placed in secure detention, subject to court review.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Welf. & Inst. Code, § 636.1(a)	Statute	Other	Provides that the case plan should focus on issues and activities, including a description of the strengths and needs of the minor and his or her family and identification of services that will be provided to the minor, that would reduce or eliminate the need for the minor to be placed in foster care if the probation officer believes that such efforts will enable the minor to return home safely.		
Services: Casework	Welf. & Inst. Code, § 636.1(a)	Statute	Other	Requires that the case plan include all the information required by Welf. & Inst. Code, § 706.6, if the probation officer believes, based on the information available to him or her, that foster care placement is the most appropriate disposition.		Welf. & Inst. Code, § 706.6
Services: Casework	Welf. & Inst. Code, § 653.1	Statute	Mandate	Mandates the probation officer to cause the affidavit alleging that the minor committed an offense described in Welf. & Inst. Code, § 602, to be immediately taken to the prosecuting attorney if it appears to the probation officer that the minor has been referred to him or her for any violation of either an offense listed in Welf. & Inst. Code, § 707, subd. (b), and allegedly committed when the minor was 16 years of age or older, or an offense listed in par. (2) of Welf. & Inst. Code, § 707, subd. (d), or Welf. & Inst. Code, § 707, subd. (e), and allegedly committed when the minor was 14 years of age or older.	Dist. Atty.	Welf. & Inst. Code, §§ 602, 707(b), 707(d)(2) or (e)
Services: Casework	Welf. & Inst. Code, § 653.5(a)	Statute	Mandate	Mandates the probation officer to immediately make any investigation he or she deems necessary to determine whether proceedings in the juvenile court should be commenced whenever any person submits an affidavit alleging that there was or is within the county, or resides in the county, a minor within the provisions of Welf. & Inst. Code, § 602. Mandates the probation officer to make a referral to certain services if the probation officer determines that it is appropriate to offer such services to the family to prevent or eliminate the need for removal of the minor from his or her home.		Welf. & Inst. Code, § 602
Services: Casework	Welf. & Inst. Code, § 653.5(b)	Statute	Mandate	Mandates the probation officer to cause the affidavit to be taken to the prosecuting attorney if the probation officer determines that proceedings to declare a person to be a ward of the juvenile court on the basis that he or she is a person described in Welf. & Inst. Code, § 602, should be commenced pursuant to Welf. & Inst. Code, § 650.	Dist. Atty.	Welf. & Inst. Code, §§ 602, 650
Services: Casework	Welf. & Inst. Code, § 653.7	Statute	Mandate	Mandates the probation officer to endorse, upon the affidavit of the applicant, the decision not to proceed further, and the reasons therefore, any time the probation officer does not take action under Welf. & Inst. Code, § 654, or any time the probation officer does not cause the affidavit alleging that a minor is within or has committed an offense described in Welf. & Inst. Code, § 602, to be taken to the prosecuting attorney within 21 court days after the application. Requires the probation officer to retain the affidavit and the endorsement for a period of 30 court days after the notice to the applicant.		Welf. & Inst. Code, §§ 602, 654

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Welf. & Inst. Code, § 654	Statute	Mandate Discretionary Other	Gives the probation officer discretionary authority, with consent of the minor and the minor's parent or guardian, in any case in which a probation officer concludes that a minor is within the jurisdiction of the juvenile court or will probably soon be within that jurisdiction, to delineate specific programs of supervision not to exceed six months for the minor, and attempt thereby to adjust the situation that brings the minor within the jurisdiction of the court or creates the probability that the minor will soon be within that jurisdiction, in lieu of filing a petition to declare the minor a dependent child of the court or a minor or a ward of the court under Welf. & Inst. Code, § 601, or requesting that a petition be filed by the prosecuting attorney under Welf. & Inst. Code, § 601.3, subd. (e), or § 602. Specifies that the program of supervision may call for the minor to obtain care and treatment for the misuse of or addiction to controlled substances from a county mental health service or other appropriate community agency.		Welf. & Inst. Code, §§ 601, 601.3(e), 602
Services: Casework	Welf. & Inst. Code, § 654	Statute	Mandate Discretionary Other	Requires that the program of supervision include a requirement for the parents or guardians of the minor to participate with the minor in counseling or education programs. Mandates the probation officer to prepare and maintain a follow-up report of the actual program measures taken at the conclusion of the program of supervision undertaken pursuant to this section. Specifies that nothing in this section can be construed to prevent the probation officer from filing a petition or requesting the prosecuting attorney to file a petition at any time within the six-month period or a 90-day period thereafter. Mandates the probation officer to immediately file a petition or request that the prosecuting attorney file a petition if the probation officer determines that the minor has not involved himself or herself in the specific programs within 60 days. Mandates the probation officer to make a diligent effort to proceed under this section if the interest of the minor and the community can be protected.	Dist. Atty.	
Services: Casework	Welf. & Inst. Code, § 654.1(b)	Statute	Discretionary Mandate	Provides that nothing in this section can be construed to prevent the probation officer from requesting the prosecuting attorney to file a petition to declare the minor a ward of the court under Welf. & Inst. Code, § 602, for a violation of Veh. Code, § 23140 or 23152. Mandates the probation officer to proceed under subd. (a) when in his or her judgment the interest of the minor and the community can be protected by adjudication of a violation of Veh. Code, § 23140 or 23152.		Welf. & Inst. Code, § 602; Veh. Code, §§ 23140, 23152
Services: Casework	Welf. & Inst. Code, § 654.2(b)	Statute	Discretionary	Authorizes the probation officer to recommend informal supervision as provided in this section when referring the affidavit described in § 653.5 to the prosecuting attorney if the minor is eligible for § 654 supervision and the probation officer believes the minor would benefit from such program of supervision.		Welf. & Inst. Code, §§ 653.5, 654
Services: Casework	Welf. & Inst. Code, § 660.5(h)	Statute	Discretionary	Authorizes the probation officer in a county in which this subdivision is applicable, notwithstanding Welf. & Inst. Code, § 654, and in lieu of filing a petition or proceeding under Welf. & Inst. Code, § 654, to issue a citation in the form described in subd. (d) to the Informal Juvenile and Traffic Court pursuant to Welf. & Inst. Code, § 256, for specified misdemeanors.		Welf. & Inst. Code, §§ 654, 256

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Welf. & Inst. Code, § 676.5(a)	Statute	Mandate	Mandates the probation officer to notify, in person or by registered mail, a victim of juvenile offenses that he or she and up to two support persons of the victim's choosing are entitled to be admitted to juvenile court hearings concerning petitions filed pursuant to Welf. & Inst. Code, § 602, alleging the commission of any criminal offense, on the same basis as he or she may be admitted to trials in a court of criminal jurisdiction.		Welf. & Inst. Code, § 602
Services: Casework	Welf. & Inst. Code, § 704(d)	Statute	Mandate	Mandates the probation officer, or any other peace officer designated by the court, to execute the order placing a minor in a diagnostic and treatment center pursuant to this section or returning the minor therefrom to the court. Specifies that the expense incurred in executing such order is a charge upon the county in which the court is situated.		
Services: Casework	Welf. & Inst. Code, § 707(e)	Statute	Other	Requires any report submitted by a probation officer pursuant to this section regarding the behavioral patterns and social history of the minor being considered for a determination of unfitness to include any written oral statement offered by the victim, the victim's parent or guardian if the victim is a minor, or if the victim has died, the victim's next of kin, as authorized by Welf. & Inst. Code, § 656.2, subd. (b).		Welf. & Inst. Code, § 656.2(b)
Services: Casework	Welf. & Inst. Code, § 727.3(a)(1)	Statute	Mandate	Mandates the probation officer, with respect to every minor declared a ward and ordered to be placed in foster care, to prepare a written social study report including an updated case plan and a recommendation for a permanent plan, pursuant to Welf. & Inst. Code, § 706.5, subd. (c), and submit the report to the court prior to each permanency planning hearing, pursuant to Welf. & Inst. Code, § 727, subd. (b).		Welf. & Inst. Code, §§ 706.5(c), 727(b)
Services: Casework	Welf. & Inst. Code, § 727.32	Statute	Mandate Other	Mandates the probation department to follow the procedures described in Welf. & Inst. Code, § 727.31, to terminate the parental rights of the minor's parents in any case where a minor has been declared a ward of the juvenile court and has been in foster care for 15 of the most recent 22 months, unless the probation department has documented in its file a compelling reason for determining that termination of the parental rights would not be in the minor's best interests pursuant to Welf. & Inst. Code, § 727.3, or the probation department has not provided the family with reasonable efforts necessary to achieve reunification. Provides that if the probation department documented a compelling reason at the time of the permanency planning hearing, pursuant to Welf. & Inst. Code, § 706.6, subd. (l), the probation department is not required to provide any additional documentation to comply with the requirements of this section. Mandates the probation department to make efforts to identify an approved family for adoption and follow the procedures described in Welf. & Inst. Code, § 727.31, subd. (b), when setting a hearing pursuant to Welf. & Inst. Code, § 727.31.		Welf. & Inst. Code, §§ 727.31, 727.3, 706.6(l)
Services: Casework	Welf. & Inst. Code, § 729.7	Statute	Mandate	Mandates the probation officer, upon request by the victim, to assist in mediating a service contract between the victim and the minor under which the amount of restitution owed to the victim by the minor may be paid by performance of specified services.		

Probation Services Task Force Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Welf. & Inst. Code, § 740(b)(1)	Statute	Mandate	Mandates the probation officer or the parole officer in charge of a Youth Authority ward to send written notice of the placement of a minor adjudged to be a ward of the court on the basis that he or she is a person described in Welf. & Inst. Code, § 602, in any community care facility outside the ward's county of residence to the probation officer of the county in which the community care facility is located. Mandates the probation or parole officer making the placement to make best efforts to send, or to hand deliver, the notice at the same time the placement is made. Mandates the probation or parole officer, when such placement is terminated, to send notice of termination to any person or agency receiving notification of the placement.		Welf. & Inst. Code, § 602
Services: Casework	Welf. & Inst. Code, § 742(a)	Statute	Mandate	Mandates the probation officer, upon the request of an alleged victim of a crime and within 60 days of the final disposition of a case within which a petition has been filed pursuant to Welf. & Inst. Code, § 602, to inform that victim by letter of the final disposition of the case. Requires the probation officer to include specified information about restitution in the letter if the court orders that restitution is to be made to the victim.		Welf. & Inst. Code, § 602
Services: Casework	Welf. & Inst. Code, § 742(b)	Statute	Mandate	Mandates the probation officer, in any case in which a petition has been filed pursuant to Welf. & Inst. Code, § 602, to inform the victim of the offense of any victim-offender conferencing program or victim impact class available in the county and of the victim's right to be informed of the final disposition of the case, including his or her right to victim restitution.		Welf. & Inst. Code, § 602
Services: Casework	Welf. & Inst. Code, § 16516.5(a)	Statute	Mandate	Mandates the probation officer or county social worker to visit, at least monthly, all foster children placed in group homes by the county probation departments or county welfare departments. Requires that each visit include a private discussion between the foster child and the probation officer or the county social worker. Prohibits such discussion to be held in the presence or immediate vicinity of the group home staff. Prohibits the contents of such private discussion to be disclosed to the group home staff, and makes an exception for the disclosure of the discussion contents under specified circumstances.		
Services: Casework	Welf. & Inst. Code, § 16516.6	Statute	Mandate	Mandates the probation officer or county social worker to include a private discussion between the foster child and the probation officer or social worker during a regular visit with a child in any licensed, certified, or approved foster home. Prohibits such discussion to be held in the presence or immediate vicinity of the foster parent or caregiver. Prohibits the contents of such private discussion to be disclosed to the foster parent or caregiver, and makes an exception for the disclosure of the discussion contents under specified circumstances.		
Services: Casework	Welf. & Inst. Code, § 16517(a)	Statute	Mandate	Prohibits a probation officer or social worker acting as an officer of the court from making an out-of-home placement of a dependent or ward of the court, with the exception of any relative of the social worker or probation officer responsible for the placement of the child, with the spouse of any relative of the social worker or probation officer responsible for the placement.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Casework	Welf. & Inst. Code, § 16517(b)	Statute	Mandate	Prohibits any probation officer or a social worker acting as an officer of the court from receiving compensation for the out-of-home placement of a dependent or ward of the court other than the compensation received as an employee of the county or the state.		
Services: Process	Cal. Rules of Court, rule 4.411	Regulation	Other	Directs the court to refer the case to the probation officer for a presentence investigation and report irrespective of the defendant's eligibility for probation and prohibits acceptance of the waivers of the presentence report except in unusual circumstances in those cases where the defendant is eligible for probation. Specifies that the court is required to order a supplemental probation officer's report in preparation for sentencing proceedings that occur a significant period of time after the original report was prepared. States that the purpose of the presentencing report is to aid judges in determining the appropriate length of a prison sentence and to aid the Department of Corrections in determining the type of facility and program in which to place a defendant, and to aid in determining whether probation is appropriate. States that Pen. Code, § 1203c, requires a probation officer's report on every person sentenced to prison, and that ordering the report before sentencing in probation-ineligible cases will help ensure a well-prepared report.		Pen. Code, § 1203c
Services: Process	Code Civ. Proc., § 1219.5(a)	Statute	Mandate	Mandates the probation officer, in any case in which a contempt consists of the refusal of a minor under the age of 16 years to take the oath or to testify, and before the court imposes the sanctions for the contempt, to prepare and file the report and recommendation as to the appropriateness of the imposition of a sanction. Requires the probation officer, in making the report and recommendations, to consider factors such as the maturity of the minor, the reasons for the minor's refusal to take the oath or to testify, the probability that available sanctions will affect the decision of the minor not to take the oath or not to testify, the potential impact on the minor of his or her testimony, the potential impact on the pending litigation of the minor's unavailability as a witness, and the appropriateness of the various available sanctions in the minor's case.		
Services: Process	Code Civ. Proc., § 1279.5(c)	Statute	Other	Mandates the court to deny an application for a name change pursuant to Code Civ. Proc., § 1276, made by a person who is under the jurisdiction of the Department of Corrections, unless that person's parole agent or probation officer grants prior written approval.		Code Civ. Proc., § 1276
Services: Process	Ed. Code, § 47755(c)	Statute	Other	Requires a joint approval by the governing board of the county office of education or the governing board of the school district and the chief probation office of a comprehensive, multi-agency local plan to serve the needs of high-risk youth for the purpose of enhancing educational opportunities and reducing juvenile crime and delinquency.	COE; School Board; CPO	
Services: Process	Ed. Code, § 47762	Statute	Mandate	Mandates the county probation department and the county office of education or school district to identify outcome measures for offenders participating in the High-Risk First-Time Offenders program as established pursuant to Ed. Code, § 47755. Specifies some of the outcome measures to be included.	Prob. Dept.; COE; School Dist.	Ed. Code, § 47755

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Ed. Code, § 47770	Statute	Mandate	Mandates the county probation department and the county office of education or school district to identify outcome measures for offenders participating in the Transitioning High-Risk First-Time Offenders program as established pursuant to Ed. Code, § 47765. Specifies some of the outcome measures to be included.	Prob. Dept.; COE; School Dist.	Ed. Code, § 47765
Services: Process	Ed. Code, § 48246	Statute	Discretionary Mandate	Permits the probation officer of any county to enter, at any time, into any place of employment for the purpose of examining permits to work or to employ all minors employed in such place of employment, or for the purpose of investigating violations of the provisions of the Lab. Code or of the provisions of Ed. Code, ch. 2 (commencing with § 48200) and ch. 7 (commencing with § 49100) of div 4 of tit. 2. Requires the probation officer to report in writing to the labor commissioner within 48 hours the fact that he or she has good cause to believe that the laws relating to the education of minors are being violated in such place of employment and describing the nature of the violation. Requires the probation officer to report to the labor commissioner within 48 hours in writing if the probation officer was denied entrance to any place of employment.	Labor Commission	Ed. Code, §§ 48200, 49100
Services: Process	Ed. Code, § 48260.6(d)	Statute	Discretionary	Permits the district attorney or the probation officer in any county, which has not established a county school attendance review board, to request the parents or guardians and the truant child to attend a meeting in the district attorney's office or at the probation department, pursuant to Welf. & Inst. Code, § 601.3, to discuss the possible legal consequences of the child's truancy.		Welf. & Inst. Code, § 601.3; Ed. Code, § 48260.5
Services: Process	Ed. Code, § 48263	Statute	Discretionary	Provides that the probation department may receive referrals of habitual student truants or those who are habitually insubordinate or disorderly for services. Mandates the probation officer to direct the pupil or the pupil's parents or guardians, or both, to make use of available community services that can resolve the problem of the truant or insubordinate student. Permits the probation officer to notify the district attorney when the probation officer determines that available community services cannot resolve the problem of the truant or insubordinate student, or if the student or the parents or guardians of the student, or both, have failed to respond to directives of the probation officer or to services provided.	School Dist; SARB	Ed. Code, §§ 48263.5, 48260.6
Services: Process	Ed. Code, § 48263.5	Statute	Discretionary	Specifies information that the probation officer may report to the district attorney if the probation officer determines that available community services cannot resolve the truancy or insubordination problem of the student, or if the student or guardians of the student, or both, have failed to respond to directives of the probation officer or to services provided.	SARB; Dist. Atty	Ed. Code, §§ 48321, 48290; Welf. & Inst. Code, § 601.3
Services: Process	Ed. Code, § 48264	Statute	Discretionary	Permits the probation officer, among other specified entities, to arrest or assume temporary custody, during school hours, of any minor subject to compulsory full-time education or to compulsory continuation education found away from his or her home and who is absent from school without valid excuse within the county, city, or city and county, or school district.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Fam. Code, § 3164	Statute	Other	Includes members of the professional staff of the probation department in a category of people who may be mediators. Requires mediators to meet the minimum qualifications required of a counselor of conciliation as provided in Fam. Code, § 1815.		Fam. Code, § 1815
Services: Process	Fam. Code, § 7850	Statute	Mandate	Mandates the clerk of the court to notify immediately the juvenile probation officer, among other involved parties, any time a petition is filed under Pen. Code, § 7841 ("Child Custody"). Upon receipt of notification, directs the juvenile probation officer to immediately investigate the circumstances of the child and the circumstances that are alleged to bring the child within any of the provisions of Pen. Code, ch. 2 (commencing with § 7820).		Fam. Code, § 7841 ("Child Custody"); Fam. Code, ch. 2 (commencing with § 7820)
Services: Process	Fam. Code, § 7851	Statute	Mandate	Mandates the juvenile probation officer, a qualified court investigator, or the county department, when a petition for an order or judgment declaring a child free from the custody and control of either or both parents has been filed, to render to the court a written report of the investigation with a recommendation to the court of the proper disposition to be made in the proceeding in the best interest of the child. Specifies information that is required to be included in the report.		
Services: Process	Fam. Code, § 9001	Statute	Mandate	Mandates the probation officer, among other entities, to make an investigation of each case of stepparent adoption, and prevents the court from making an order of adoption until after the report and recommendations have been filed and the court has had time to consider them. Specifies that no home study, defined as a physical investigation of the premises where the child is residing, may be required of the petitioner's home in a stepparent adoption unless ordered by the court. Specifies that the agency conducting the investigation or any interested person may request the court to order a home study, or the court may order a home study on its own motion.		
Services: Process	Fam. Code, § 9002	Statute	Discretionary	Provides that the probation officer, among others, may defer, waive, or reduce the fee in connection with the stepparent adoption, if its payment would cause economic hardship to the prospective adoptive parent detrimental to the welfare of the adopted child.		Fam. Code, § 9001
Services: Process	Fam. Code, § 9003	Statute	Other	Names the probation officer as one of the entities before whom the consent of either or both birth parents is required to be signed in a stepparent adoption. Provides that if such consent is signed before the probation officer, he or she is mandated to file the consent immediately with the clerk of the court where the adoption petition is filed.		
Services: Process	Fam. Code, § 9005(c)	Statute	Mandate	Mandates the probation officer, among other entities, to file a full report with the court before the hearing of the motion or petition for withdrawal of the consent of the birth parent to the adoption of the child through a stepparent. Mandates the probation officer to appear at such hearing to represent the interests of the child.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Health & Saf. Code, § 1567.3(b)	Statute	Mandate	Requires the probation officer of a county making an out-of-county placement of a ward of the juvenile court as described in Welf. & Inst. Code, § 602, to notify the probation officer of the county in which the community care facility is located within 24 hours of receipt of the ward by the licensed community care facility. Specifies that the notification be made by the end of the subsequent business day if the ward is received on a weekend or a holiday.		Welf. & Inst. Code, § 602
Services: Process	Health & Saf. Code, § 11361.5	Statute	Other	Subjects the probation department, among other agencies, to a requirement that records of any court, any public or private agency that provides services upon referral under Pen. Code, § 1000.2, or any state agency pertaining to the arrest or conviction of any person for a violation of Health & Saf. Code, § 11357, subd. (b), (c), (d), or (e), or of Health & Saf. Code, § 11360, subd. (b), not be kept beyond two years from the date of the conviction, or from the date of the arrest if there was no conviction, except with respect to a violation of Health & Saf. Code, § 11357, subd. (e), in which case the records should be retained until the offender becomes 18 years of age, at which time the records should be destroyed. Specifies that this records-keeping provision does not apply to records of any arrest not followed by a conviction occurring prior to January 1, 1976.		Pen. Code, § 1000.2; Health & Saf. Code, § 11357(b)–(e)
Services: Process	Health & Saf. Code, § 11361.5	Statute	Other	Provides that any person subject to an arrest or conviction for specified offences may apply to the Department of Justice, following specified procedures provided in Health & Saf. Code, § 11361.5, for destruction of records if two or more years have elapsed since the date of the conviction, or since the date of the arrest if not followed by a conviction. Exempts written transcriptions of oral testimony in court proceedings and published judicial appellate reports from this records-keeping provision. Prevents specified records from being destroyed pursuant to Health & Saf. Code, § 11361.5, subd. (a), if the defendant or a codefendant has filed a civil action against the peace officers or law enforcement jurisdiction that made the arrest or instituted the prosecution, and if the agency that is the custodian of those records has received a certified copy of the civil complaint, until the civil action has finally been resolved .		Health & Saf. Code, § 11361.5
Services: Process	Pen. Code, § 859a(b)	Statute	Mandate	Requires the magistrate, upon the receipt of guilty or nolo contendere in felony cases, to refer the case to the probation officer if eligible for probation.		
Services: Process	Pen. Code, § 1000.1	Statute	Mandate Discretionary Other	Directs the prosecuting attorney to advise the defendant and his or her attorney in writing of the prosecuting attorney's determination that ch. 2.5 of the Pen. Code (commencing with § 1000) applies to the defendant, and specifies that such notification include a general explanation of the roles and authorities of the probation department and other agencies. Specifies that the notification include a statement that the court may grant deferred entry of judgment with respect to any crime specified in Pen. Code, § 1000, subd. (a), provided that the defendant pleads guilty to each such charge, waives time for the pronouncement of judgment, successfully completes the program as specified in Pen. Code, § 1000, subd. (c), and upon the positive recommendation of the program authority and the motion of the prosecuting attorney, the court, or the probation department, directs the court to dismiss charges against the defendant.		Ch. 2.5 of Pen. Code (commencing with § 1000); Pen. Code, § 1000(a) and (c)

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Pen. Code, § 1000.1	Statute	Mandate Discretionary Other	Specifies that the notification include a statement that the prosecuting attorney, the probation department, or the court on its own may make a motion to the court for entry of judgment, and requires the court to render a finding of guilt upon any failure of treatment or condition under the program, or any circumstance specified in Pen. Code, § 1000.3. Provides that the court may refer the case to the probation department if the defendant waives his or her right to a speedy trial or preliminary hearing, and obligates the probation department, when directed by the court, to make an investigation to determine whether the defendant is a person who would benefit from education, treatment, or rehabilitation, and which programs the defendant would benefit from and accept, and also mandates the probation department to report its finding and recommendations to the court. Prohibits the admission of any information or statement made by the defendant to the probation officer during the course of any investigation conducted by the probation department, or with respect to the specific offense charged, made after the granting of deferred entry of judgment, in any proceedings, including a sentencing hearing.		Pen. Code, § 1000.3
Services: Process	Pen. Code, § 1001.22	Statute	Other	Directs the court to consult with the prosecutor, the defense counsel, the probation department, and the appropriate regional center to determine whether a defendant may be placed in a diversion-related treatment and rehabilitation program. Directs the court to order the prosecutor, the probation department, and the regional center to prepare reports on specified aspects of the defendant's case when the court suspects that the defendant may be mentally retarded, and when the defendant consents to the diversion process and waives his or her rights to a speedy trial. Specifies that the probation department submit a report on specified aspects of the defendant's case, within 30 judicial days of the court's order, to the court, to each of the agencies involved in the case, and the defendant.	Court; Dist. Atty.; Reg. Center	
Services: Process	Pen. Code, § 1001.23(c)	Statute	Mandate	Mandates the probation department, within five judicial days after receiving the regional center's report on the defendant's progress in the diversion program, to submit its report on the defendant's progress in a dual-agency diversion program, with the regional center's report appended, to the court and to the prosecutor.	Reg. Center	
Services: Process	Pen. Code, § 1001.28(a)	Statute	Mandate	Mandates the probation department to file, every six months, progress reports on the defendant's progress in the diversion program, and to append to its own report a copy of the regional center's assessment of the defendant's progress, in cases where a dual-agency diversion program has been ordered by the court.	Reg. Center	
Services: Process	Pen. Code, § 1001.29(a)	Statute	Other	Names the probation department as one of the agencies that may, in cases where dual-agency diversion has been ordered, and if it appears that the divertee is not meeting the terms and conditions of his or her diversion program, initiate a hearing to reinstitute the diverted criminal proceedings.		
Services: Process	Pen. Code, § 1001.52	Statute	Mandate	Requires that misdemeanor cases be referred to the probation department if the defendant consents and waives his right to a speedy trial. Requires that the probation department conduct investigation to determine whether the defendant qualifies for diversion under Pen. Code, § 1001.51, subd. (a). Specifies that the probation department report to the court on whether the defendant qualifies for diversion and which treatment or rehabilitative plan would benefit the defendant.		Pen. Code, § 1001.51(a)

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Pen. Code, § 1001.72	Statute	Mandate	Mandates that the case be referred to the probation department if the defendant consents and waives his or her right to a speedy trial. Requires the probation department to conduct an investigation to determine whether the defendant qualifies for diversion and whether he or she would benefit by education, treatment, or rehabilitation and which plan would benefit the defendant. Requires that the probation department report its findings and recommendations to the court, including, if the recommendation includes referral to a community program, the program's willingness to accept the defendant and the manner in which the services the program offers can assist the defendant. Precludes any information or statement made by the defendant to the probation officer during the course of any investigation, and prior to the reporting of the probation department's findings and recommendations to the court, from being admitted in any action or proceeding brought subsequent to the investigation.		
Services: Process	Pen. Code, § 1191	Statute	Mandate	Mandates the court to refer a felony case within 20 judicial days after a plea, finding, or verdict of guilty, or after a finding or verdict against the defendant on a plea of a former conviction or acquittal, or once in jeopardy, to the probation officer for the parole eligibility report pursuant Pen. Code, § 1203.		Pen. Code, § 1203
Services: Process	Pen. Code, § 1191.15(b)	Statute	Other	Allows the probation officer, among other entities, to view and listen to victim statements that have been sealed until the time set for imposition of judgment and sentence not more than two court days prior to the date set for imposition of judgment and sentence.		
Services: Process	Pen. Code, § 1203(a)	Statute	Other	Defines <i>probation</i> as the suspension of the imposition or execution of a sentence and the order of conditional and revocable release in the community under the supervision of a probation officer. Defines <i>conditional sentence</i> as the suspension of the imposition or execution of a sentence and the order of revocable release in the community subject to conditions established by the court without the supervision of a probation officer. Makes a legislative declaration that both conditional sentence and probation are authorized whenever probation is authorized in any code as a sentencing option for infractions or misdemeanors.		
Services: Process	Pen. Code, § 1203(b)	Statute	Mandate	Mandates the court to refer the case, before judgment is pronounced, to a probation officer for an investigation and a report regarding the circumstances surrounding the crime and the prior history and record of the person who is convicted of felony and who is eligible for probation, except as provided in Pen. Code, § 1203(j). Requires that the probation officer immediately investigate and make a written report to the court. Specifies that the probation officer's report include recommendations as to whether probation should be granted or denied and the conditions of probation if it is granted; any information gathered by a law enforcement agency relating to the taking of the defendant into custody as a minor for the purpose of determining whether adjudications of commissions of crimes as a juvenile warrant a finding that there are circumstances in aggravation pursuant to Pen. Code, § 1170; a recommendation regarding an amount that the defendant should be required to pay as a restitution fine pursuant to Pen. Code, § 1202.4, subd. (b); and a recommendation whether restitution to the victim or to the Restitution Fund should be a condition of probation.		Pen. Code, §§ 1203(j), 1170, 1202.4(b)

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Pen. Code, § 1203(b)	Statute	Mandate	Requires that the probation report be made available to the court, the prosecution, and defense attorneys at least five days, or upon request of the defendant or prosecuting attorney, nine days, prior to the time set for the hearing of the report, unless waived by written stipulation of the prosecuting and defense attorneys that is filed with the court or an oral stipulation in open court that is made and entered into the minutes of the court. Provides that the report be filed with the court clerk at the time of the hearing to determine the application and suitability of probation in the particular case. States that the court may place the person on probation if it determines that there are circumstances in mitigation of the punishment prescribed by law or that the ends of justice would be served by granting probation to the defendant.		
Services: Process	Pen. Code, § 1203(d)	Statute	Other	States that the court may refer a misdemeanor case that resulted in conviction to the probation officer for an investigation and a report. States that if the case is not referred to the probation officer, the court may consider any information during sentencing that could have been included in a probation report.		
Services: Process	Pen. Code, § 1203(e)	Statute	Other	Specifies that probation cannot be granted to any person convicted of committing a serious and violent crime with a deadly weapon, third-strike felony, or specified sex offense; to any public official or police officer who accepted or gave a bribe, embezzled public money, or was guilty of extortion; any person who knowingly furnished or gave away phencyclidine; and any person convicted of other designated serious and violent felonies.		
Services: Process	Pen. Code, § 1203(g)	Statute	Mandate	Mandates the judge to refer the case to the probation officer for an investigation of the facts relevant to determination of the amount of a restitution fine pursuant to Pen. Code, § 1202.4, subd. (b), in all cases where such determination is applicable. Requires the probation officer to immediately investigate the circumstances surrounding the crime and the prior record and history of the person and to make a written report, including a recommendation of the amount of the restitution fine, to the court.		Pen. Code, § 1202.4(b)
Services: Process	Pen. Code, § 1203(h)	Statute	Discretionary	Provides that the probation officer may obtain and include in the report a statement of the comments of the victim concerning the offense, unless directed by the court otherwise, if a defendant is convicted of a felony and a probation report is prepared pursuant to Pen. Code, § 1203, subd. (b) or (g).		Pen. Code, § 1203(b) or (g)
Services: Process	Pen. Code, § 1203(i)	Statute	Mandate	Prohibits release of any probationer to another state unless his or her case has been referred to the administrator of Interstate Probation and Parole Compacts, pursuant to the Uniform Act for Out-of-State Probationer or Parolee Supervision (art. 3 (commencing with § 11175) of ch. 2 of tit. 1 of pt. 4), and the probationer has reimbursed the county that has jurisdiction over the probationer's case the reasonable costs of processing the probationer's request for interstate compact supervision in accordance with Pen. Code, § 1203.1b.	Interstate Compact Administrator	Pen. Code, §§ 11175, 1203.1b

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Pen. Code, § 1203(j)	Statute	Other	Specifies that the court may order the defendant to appear before the county financial evaluation officer for a financial evaluation of the defendant's ability to pay restitution, and that such court order can be enforced as a violation of the terms and conditions of probation upon willful failure to pay, or it can be enforced in the same manner as a judgment in a civil action if any balance remains unpaid at the end of the defendant's probationary period.		
Services: Process	Pen. Code, § 1203(k)	Statute	Other	Specifies that probation cannot be granted to any person who is convicted of a violent felony as defined in Pen. Code, § 667.5, subd. (c), or a serious felony as defined in Pen. Code, § 1192.7, subd. (c), and who was on probation for a felony offense at the time of the commission of the new felony offense.		Pen. Code, §§ 667.5(c), 1192.7(c)
Services: Process	Pen. Code, § 1203.016(a)	Statute	Other	Provides that the board of supervisors of any county may authorize the correctional administrator, which includes a probation officer, to offer a program under which minimum security inmates and low-risk offenders committed to a county correctional facility or granted probation, or inmates participating in a work furlough program, may voluntarily participate in a home detention program during their sentence in lieu of confinement in the county correctional facility or program under the auspices of the probation officer.	Bd. of Sups.	
Services: Process	Pen. Code, § 1203.016(j)	Statute	Other	Provides that the correctional administrator, with the approval of the board of supervisors, may administer a home detention program pursuant to a written contract with appropriate public or private agencies or entities to provide specified program services. Prohibits any public or private agency, with the exception of the California Department of Corrections or the Department of the Youth Authority as established in Pen. Code, § 3004, from operating a home detention program in any county without a written contract with that county's correctional administrator. Places all privately operated home detention programs under the jurisdiction of, and subject to the terms and conditions of the contract entered into with, the correctional administrator. Specifies provisions that are required to be included in the contract between any privately operated home detention program and the correctional administrator.	Bd. of Sups.; CDC; YA	Pen. Code, § 3004
Services: Process	Pen. Code, § 1203.016(j)	Statute		Mandates the correctional administrator, the board of supervisors, and the designee of the correctional administrator to comply with Gov. Code, § 1090, in the consideration, making, and execution of contracts pursuant to Pen. Code, § 1203.016. Specifies that the failure of the private agency or entity to comply with statutory provisions and requirements or with the standards established by the contract and with the correctional administrator may be sufficient cause to terminate the contract. Mandates the correctional administrator, upon the discovery that a private agency or entity with whom there is a contract is not in compliance, to give 60 days' notice to the director of the private agency or entity that the contract may be cancelled if the specified deficiencies are not corrected, and specifies that shorter notice may be given or the contract may be cancelled without notice whenever a serious threat to public safety is present.	Bd. of Sups.	Gov. Code, § 1090
Services: Process	Pen. Code, § 1203.05	Statute	Other	Provides guidelines as to how any report of the probation officer filed with the court, including any report arising out of a previous arrest of the person who is the subject of the report, may be inspected or copied.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Pen. Code, § 1203.067	Statute	Other	Mandates the court to do the following before granting probation to any person convicted of specified molestation or sexual felony: order the defendant evaluated by the probation department pursuant to Pen. Code, § 1203.03; conduct a hearing at the time of sentencing to determine if probation of the defendant would pose a threat to the victim; and order a psychiatrist or psychologist, appointed pursuant to Pen. Code, § 288.1, to include a consideration of the threat to the victim and the defendant's potential for positive response to treatment, when treatment has been ordered as a condition of probation.		Pen. Code, §§ 1203.03, 288.1
Services: Process	Pen. Code, § 1203.1(a)	Statute	Other	Specifies that in the order granting probation, the court may suspend the imposition or execution of the sentence. Provides that the court may imprison the defendant in a county jail for a period not exceeding the maximum time fixed by law in the case in the order granting probation. States that the court may impose either imprisonment in a county jail or a fine, both, or neither in connection with granting probation, and may require bonds for the faithful observance and performance of any or all of the conditions of probation.		
Services: Process	Pen. Code, § 1203.1(b)	Statute	Other	Mandates the court to consider whether the defendant, as a condition of probation, be required to make restitution to the victim or the Restitution Fund. Outlines procedures for handling restitution payments received by the probation department and restitution disbursements to crime victims and prohibits delay of restitution disbursement beyond 180 days from the date the payment is received by the probation department.		
Services: Process	Pen. Code, § 1203.1(c)	Statute	Other	States that the court may place the probationer in road camp, farm, or other public work instead of in jail in cities or counties where such possibilities exist, and that if the probationer is placed in road camp or other public work, Gov. Code, § 25359, is to be applied to probation, and the court has the same power to require adult probationers to work, as prisoners confined in the county jail are required to work, at public work.		Gov. Code, § 25359
Services: Process	Pen. Code, § 1203.1(d)	Statute	Other	States that the court may place the probationer in road camp, farm, or other public work instead of in jail in cities or counties where such possibilities exist, and that if the probationer is placed in road camp or other public work, Gov. Code, § 25359, is to be applied to probation, and the court has the same power to require adult probationers to work, as prisoners confined in the county jail are required to work, at public work.		
Services: Process	Pen. Code, § 1203.1(e)	Statute	Other	Requires the court to consider whether the defendant, as a condition of probation, be required to make restitution to a public agency for the costs of an emergency response pursuant to art. 8 (commencing with § 53150) of ch. 1 of pt. 1 of div. 2 of Gov. Code.		Gov. Code, § 53150
Services: Process	Pen. Code, § 1203.1(g)	Statute	Other	Requires the court and the prosecuting attorney to consider whether any defendant who has been convicted of a specified nonviolent or nonserious offense and ordered to participate in community service as a condition of probation shall be required to engage in the removal of graffiti in the performance of the community service.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Pen. Code, § 1203.1(j)	Statute	Other	Requires the court to place the defendant or probationer in and under the charge of the probation officer of the court, for the period or term fixed for probation, upon the defendant's being released from the county jail in all cases where confinement in a county jail has not been a condition of the grant of probation. Specifies that the probationary period ceases upon the payment of any fine imposed and the fulfillment of all conditions of probation. Requires that probationer's fingerprints be taken and a record of them kept and preserved in counties and cities in which there are facilities for taking fingerprints.		
Services: Process	Pen. Code, § 1203.1abc(d)	Statute	Discretionary	Authorizes the county probation department, with the exception of the probation department of Los Angeles county, to use the volunteer services of a local college or university in evaluating the effectiveness of the program that is designed to assist convicted felons in obtaining the equivalent of a twelfth-grade education.	Local College or University	
Services: Process	Pen. Code, § 1203.1b(a)	Statute	Mandate Other	Mandates the probation officer or probation officer's representative, whether or not probation supervision is ordered by the court, to determine the ability of the defendant to pay all or a portion of the reasonable cost of any probation supervision or a conditional sentence; of conducting any preplea investigation and preparing any preplea report pursuant to Pen. Code, § 1203.7 or § 1203; and of processing a jurisdictional transfer pursuant to § 1203.9 or of processing a request for interstate compact supervision pursuant to any of Pen. Code, §§ 11175–11179. Specifies that the reasonable cost of these services and of probation supervision or a conditional sentence cannot exceed the amount determined to be the actual average cost, and mandates the probation department in each county to develop, and the presiding judge of the superior court to approve, a payment schedule for the reimbursement of the costs of preplea or presentence investigations based on income. Requires the court to order the defendant to appear before a probation officer or probation officer's representative to inquire into the defendant's ability to pay such costs.		Pen. Code, §§ 1203, 1203.7, 1203.9, 11175–11179
Services: Process	Pen. Code, § 1203.1b(a)	Statute	Mandate Other	Mandates the probation officer to inform the defendant that he or she is entitled to a hearing, which includes the right to counsel, in which the court is required to make a determination of the defendant's ability to pay and the payment amount, and states that the defendant must waive the right to a determination by the court of his or her ability to pay and the payment amount by a knowing and intelligent waiver.		
Services: Process	Pen. Code, § 1203.1b(b)	Statute	Mandate	Mandates the probation officer to refer any case, where the defendant fails to waive the right provided in Pen. Code, § 1203.1b, subd. (a), to a determination by the court of the ability to pay and the payment amount, to the court for the scheduling of a hearing to determine the amount of payment and the manner in which the payments should be made. Requires the court to state on the record reasons regarding the court order concerning the defendant's ability to pay if the court's order differs from the determination of the probation officer.		Pen. Code, § 1203.1b(a)
Services: Process	Pen. Code, § 1203.1b(c)	Statute	Other	States that the court may hold additional hearings during the probationary or conditional sentencing period to review the defendant's financial ability to pay the amount set by the probation officer or the court.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Pen. Code, § 1203.1b(e)	Statute	Other	Defines the term <i>ability to pay</i> as the defendant's overall capability to reimburse various costs, including the cost of presentence investigation and preparation of the preplea or presentence report by the probation officer.		
Services: Process	Pen. Code, § 1203.1b(f)	Statute	Mandate Other	Provides that the defendant at any time during the pendency of the judgment rendered according to the terms of Pen. Code, § 1203.1b, has a right to petition the probation officer or the rendering court for a review of the defendant's financial ability to pay on the grounds of a change of circumstances with regard to the defendant's ability to pay the judgment. Mandates the court and the probation department to inform the defendant about this right at the time judgment is rendered.		Pen. Code, § 1203.1b
Services: Process	Pen. Code, § 1203.1bb(e)	Statute	Other	Defines the term <i>ability to pay</i> as the overall capability of the defendant to reimburse the cost, or a portion of the cost, of conducting the presentence investigation, preparing the preplea or presentence report, processing a jurisdictional transfer pursuant to Pen. Code, § 1203.9, processing requests for interstate compact supervision pursuant to Pen. Code, §§ 11175–11179 inclusive, and probation supervision or conditional sentencing. Specifies other additional information that is required to be included in the determination of the ability to pay.		Pen. Code, §§ 1203.9, 11175–11179
Services: Process	Pen. Code, § 1203.1bb(f)	Statute	Mandate	Mandates the probation officer and the court to advise the defendant of the right to petition the probation officer for a review of the defendant's financial ability to pay at the time of rendering of the terms of probation or the judgment.		
Services: Process	Pen. Code, § 1203.11	Statute	Other	Authorizes the probation officer, among other entities, to serve any process regarding the issuance of a temporary restraining order or other protective order against a person committed to the care of the probation or parole officer or parole agent when the person appears for an appointment with the probation officer at his or her office.		
Services: Process	Pen. Code, § 1203.2a	Statute	Discretionary Mandate	Provides that the probation officer may, upon learning of the defendant's imprisonment, and must, within 30 days after being notified in writing by the defendant or his or her counsel or the warden or duly authorized representative of the prison in which the defendant is confined, report such commitment to the court that released him or her on probation.		
Services: Process	Pen. Code, § 1203.4(d)	Statute	Mandate	Mandates the probation officer to notify the prosecuting attorney when a petition for relief, pursuant to Pen. Code, § 1203.4, is filed.		Pen. Code, § 1203.4

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Pen. Code, § 1203.9	Statute	Mandate Other	Provides that whenever any person is released on probation, the case may be transferred to any court of the same rank in any other county in which the person resides permanently, meaning the stated intention to remain for the duration of probation. Mandates the probation department and the court to give the matter of investigating such intercounty transfers precedence over all actions or proceedings, with the exception of actions or proceedings to which special precedence is given by law. Specifies that a copy of the transfer order and an order for reimbursement of reasonable costs for processing the transfer to be paid to the sending county in accordance with Pen. Code, § 1203.1b, are required to be transmitted to the court and probation officer of the receiving county within two weeks of the finding by that county that the person does permanently reside in or has permanently moved to that county.		Pen. Code, § 1203.1b
Services: Process	Pen. Code, § 1203c	Statute	Mandate	Provides that whenever a person is committed to an institution under the jurisdiction of the Department of Corrections, whether probation has been applied for or not, it is a duty of the probation officer of the county from which the person is committed to send to the Department of Corrections a probation report prepared in the form prescribed by the administrator following consultation with the Board of Corrections, in addition to commitment papers, as may be required by the administrator of the Youth and Adult Corrections Agency.	Bd. of Correct.; Adm. of Youth and Adult Correct. Agency	
Services: Process	Pen. Code, § 1203d	Statute	Mandate Other	Prevents the court from pronouncing judgment upon any defendant for whom the court has requested a probation report pursuant to Pen. Code, § 1203.10, unless a copy of the probation report has been made available to the court, the prosecuting attorney, and the defendant or defendant's attorney at least two days or, if requested by the defendant, five days prior to the hearing and consideration of the report. Mandates the court to order the probation officer preparing the report to discuss its contents with the defendant who is not represented by an attorney. Provides that the sentence recommendations of the report be available to the victim, or the victim's next of kin if the victim has died, through the district attorney's office, and that the victim or victim's next of kin be informed of the availability of this information through the notice provided pursuant to Pen. Code, § 1191.1.		Pen. Code, §§ 1203.10, 1191.1
Services: Process	Pen. Code, § 1208.2(a)(1)	Statute	Other	Provides that this section applies to individuals authorized to participate in a work furlough program pursuant to Pen. Code, § 1208, or to individuals authorized to participate in an electronic home detention program pursuant to Pen. Code, § 1203.016, or to individuals authorized to participate in a county parole program pursuant to art. 3.5 (commencing with Pen. Code, § 3074) of ch. 8 of tit. 1 of pt. 3.		Pen. Code, §§ 1208, 1203.016, 3074
Services: Process	Pen. Code, § 1208.2(c)	Statute	Mandate	Prohibits the correctional administrator, including the probation officer or his or her designee, from having access to a person's financial data prior to the granting or denial of a person's participation in, or assignment of a person to, any of the programs governed by this section.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Pen. Code, § 1208.2(h)	Statute	Mandate	Mandates the correctional administrator, including the probation officer or his or her designee, to advise the appropriate court whenever the person and the administrator or his or her designee are unable to come to agreement regarding the person's ability to pay, or the amount that is to be paid, or the method and frequency with which payment is to be made.		
Services: Process	Pen. Code, § 1208.2(i)	Statute	Mandate	Mandates the correctional administrator, including the probation officer or his or her designee, to furnish the person who is approved for any of the programs to which this section applies with a written statement of the person's rights in regard to the program for which the person has been approved.		
Services: Process	Pen. Code, § 1208.2(j)	Statute	Mandate	Mandates the program administrator, including the probation officer or his or her designee, to include the provisions of this section within any contractual agreement with a private agency or entity as described in Pen. Code, §§ 1203.016, 1208.		Pen. Code, §§ 1203.016, 1208
Services: Process	Pen. Code, § 1210.1(a)	Statute	Other	Entitles any person convicted of a nonviolent drug possession offense to receive probation, except as provided in Pen. Code, § 1210.1, subd. (b). Makes it mandatory for the court to require participation in and completion of an appropriate drug treatment program as a condition of probation, and allows the court to order participation in vocational training, family counseling, literacy training, and/or community service, and prohibits the court from imposing incarceration as an additional condition of probation.		Pen. Code, § 1210.1(b)
Services: Process	Pen. Code, § 1210.1(b)	Statute	Other	Specifies which categories of defendants are excluded from Pen. Code, § 1210.1, subd. (a), applicability.		Pen. Code, § 1210(a)
Services: Process	Pen. Code, § 1210.1(d)	Statute	Other	Outlines procedures for the court dismissal of charges upon successful completion of drug treatment.		
Services: Process	Pen. Code, § 3415	Statute	Mandate	Mandates the probation department to notify, no later than the day sentence is pronounced, any woman sentenced to the state prison whose term does not exceed six years on the basis of either the probable release or parole date computed as if the maximum amount of good time credit would be granted, of a community treatment program under which women inmates who have one or more children under the age of six years can be released to a public or private facility in the community suitable to the needs of the mother and the child or children and which will provide the best possible care for the mother and the child. Upon receipt of the woman inmate's notice of her desire to be admitted to such program, requires the probation department or the defendant to transmit such notice to the Department of Corrections and to the appropriate local social services agency that conducts dependency hearings and investigations for child neglect.	Dept. of Correct.; Local Social Service Agency	

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Pen. Code, § 13020	Statute	Other	States that the duty of every probation officer dealing with crimes or criminals or with delinquency or delinquents is to install and maintain records needed for the correct reporting of statistical data required by him or her when requested by the attorney general, to report statistical data to the department at those times and in the manner that the attorney general prescribes, and to give to the attorney general or the attorney general's accredited agent access to statistical data for the purpose of carrying out Pen. Code, tit. 3, "Criminal Statistics" (commencing with § 13000).	Atty. General	Pen. Code, tit. 3, ch. 2, § 1300 et seq.
Services: Process	Welf. & Inst. Code, § 241.1(a)	Statute	Mandate	Mandates the county probation department and the child protective services department, pursuant to a jointly developed written protocol described in subd. (b) of this section, to determine initially which status will serve the best interests of the protection of society and the minor who appears to come within the description of both Welf. & Inst. Code, § 300, and Welf. & Inst. Code, § 601 or 602. Mandates the submission of the departments' recommendations to the juvenile court with the petition that is filed on behalf of the minor.	Child Protective/ Social Services Dept.	Welf. & Inst. Code, §§ 300, 601, 602
Services: Process	Welf. & Inst. Code, § 241.1(b)	Statute	Mandate	Mandates the probation department and the child protective services department in each county to develop jointly a written protocol to ensure appropriate local coordination in the assessment of a minor described in subd. (a) of this section and the development of recommendations by these departments for consideration by the juvenile court. Specifies the guidelines and provisions to be included in such protocols.	Child Protective/ Social Services Dept.	
Services: Process	Welf. & Inst. Code, § 241.1(c)	Statute	Mandate	Provides that whenever a minor who is under the jurisdiction of the juvenile court pursuant to Welf. & Inst. Code, § 300, 601, or 602, is alleged to come within the description of Welf. & Inst. Code, § 300, 601, or 602, by another county, the county probation department or child protective services department in the county that has jurisdiction under Welf. & Inst. Code, § 300, 601, or 602, and the probation department or child protective services department in the county alleging the minor to be within one of those sections is mandated to determine initially which status will best serve the best interests of the minor and the protection of society. Specifies that recommendations of both departments are to be presented to the juvenile court in which the petition is filed on behalf of the minor.	Child Protective/ Social Services Dept.	Welf. & Inst. Code, §§ 300, 601, 602
Services: Process	Welf. & Inst. Code, § 272(a)	Statute	Other	Gives the board of supervisors authority to delegate the probation officer's right of access to state summary criminal history information pursuant to Pen. Code, § 11105, to the county welfare department and to any Indian tribe that has entered into an agreement to perform child welfare services pursuant to Welf. & Inst. Code, § 10553.1.	Bd. of Sups.	Pen. Code, § 11105; Welf. & Inst. Code, § 10553.1
Services: Process	Welf. & Inst. Code, § 273	Statute	Discretionary	Gives the probation officer discretionary authority to employ, within budgetary limitations established by the board of supervisors, such psychiatrists, psychologists, and other clinical experts as are required to assist in determining appropriate treatment of minors within the jurisdiction of the juvenile court and in the implementation of such treatment.	Bd. of Sups.	

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Welf. & Inst. Code, § 284	Statute	Mandate	Mandates all probation officers to make such special and periodic reports to the Youth Authority as the authority may require and upon forms furnished by the authority.		
Services: Process	Welf. & Inst. Code, § 285	Statute	Mandate	Mandates all probation officers to make such periodic reports to the Bureau of Criminal Statistics as the bureau may require and upon forms furnished by the bureau, provided that no names or social security numbers are transmitted regarding any proceeding under Welf. & Inst. Code, § 300 or 601.	Bureau of Crim. Stats.	Welf. & Inst. Code, §§ 300, 601
Services: Process	Welf. & Inst. Code, § 307(b)	Statute	Discretionary	Provides that a peace or probation officer who takes a minor into temporary custody under the provision of Welf. & Inst. Code, § 305, may thereafter prepare in duplicate a written notice for the parent or parents of the minor to appear with the minor before the probation officer of the county in which the minor was taken into custody. Requires that the notice include a concise statement of the reasons the minor was taken into custody. Mandates the officer to deliver one copy of the notice to the minor and a parent, guardian, or responsible relative of the minor, and gives the officer authority to require the minor and the parent, guardian, or relative to sign a written promise that she or she will appear at the time and place designated in the notice. Mandates the officer to immediately release the minor upon the execution of the promise to appear. Mandates the officer to file one copy of the notice with the probation officer as soon as practicable.		Welf. & Inst. Code, § 305
Services: Process	Welf. & Inst. Code, § 307(c)	Statute	Discretionary	Provides that a peace or probation officer, who takes a minor into temporary custody under the provision of Welf. & Inst. Code, § 305, may thereafter take the minor, without unnecessary delay, before the probation officer of the county in which the minor resides, or in which the acts take place, or in which the circumstances exist that are alleged to bring the minor within the provisions of Welf. & Inst. Code, § 300, and deliver the minor into the custody of the probation officer.		Welf. & Inst. Code, §§ 300 & 305
Services: Process	Welf. & Inst. Code, § 307.4(a)	Statute	Mandate	Mandates any peace or probation officer or social worker who takes a minor within the description of Welf. & Inst. Code, § 300, into temporary custody pursuant to Welf. & Inst. Code, § 305, 306, or 307, to immediately inform the parent, guardian, or responsible relative that the minor has been taken into protective custody and that a written statement is available that explains the parent's or guardian's procedural rights and the preliminary stages of the dependency investigation and hearing.		Welf. & Inst. Code, §§ 300, 305, 306, 307
Services: Process	Welf. & Inst. Code, § 307.4(b)	Statute	Other	Provides that the failure on the part of the peace or probation officer or social worker to notify the parent or guardian that the written information required by Welf. & Inst. Code, § 307.4, subd. (a), is available cannot be construed to permit a new defense to any juvenile or judicial proceeding or to interfere with any rights, or investigations accorded under any other law and is considered to be due to circumstances beyond the control of the officer or social worker, if a good faith attempt was made at notification.		Welf. & Inst. Code, § 307.4(a)

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Welf. & Inst. Code, § 310	Statute	Discretionary	Gives the probation officer authority to require a minor who was taken into custody pursuant to Welf. & Inst. Code, § 305, or his parent, guardian, or relative, or both, to sign a written promise, as a condition for the release of such minor, that either or both of them will appear before the probation officer at a suitable place designated by the probation officer at a specified time.		Welf. & Inst. Code, § 305
Services: Process	Welf. & Inst. Code, § 311	Statute	Mandate	Mandates the probation officer to immediately file a petition pursuant to Welf. & Inst. Code, § 332, with the clerk of the juvenile court if the probation officer determines that a minor who was taken into custody pursuant to Welf. & Inst. Code, § 305, should be retained in custody. Mandates the probation officer to notify each parent or each guardian of the minor of the time and place of the detention hearing if the whereabouts of each parent or guardian can be ascertained by due diligence. Mandates the probation officer to serve those persons entitled to notice of the hearing under the provisions of Welf. & Inst. Code, § 335, with a copy of the petition and to notify these persons of the time and place of the detention hearing. Provides that the notice may be given orally, and is required to be given orally if it appears that the parent does not read.		Welf. & Inst. Code, §§ 332, 305, 335
Services: Process	Welf. & Inst. Code, § 313(a)	Statute	Mandate	Mandates a peace or probation officer to release, within 48 hours excluding nonjudicial days and unless a petition to declare him or her a dependent child has been filed within said period, any minor taken into custody, except when such minor willfully misrepresents himself or herself as 18 or more years of age.		
Services: Process	Welf. & Inst. Code, § 313(b)	Statute	Mandate	Mandates a peace or probation officer to prepare a written explanation whenever a minor is held in custody for more than six hours and is subsequently released, and no petition is filed, of why the minor was held in custody longer than six hours. Requires that the written explanation be prepared within 72 hours after the minor is released, and that a copy of the written explanation be sent to the parents, guardian, or other person having care or custody of the minor.		
Services: Process	Welf. & Inst. Code, § 314	Statute	Mandate	Requires a petition or complaint to be filed within 48 hours, excluding nonjudicial days, from the time true age is determined, any time a minor willfully misrepresents himself or herself to be 18 or more years of age when taken into custody by a peace or probation officer, and any time such misrepresentation effects a material delay in investigation. Requires that the minor be immediately released from custody if the petition is not filed within the time prescribed by this section.		
Services: Process	Welf. & Inst. Code, § 601.3(a)	Statute	Discretionary	Gives the probation officer or the district attorney, or both, authority to request the parents or guardians and the child who continues to be classified as a truant after review and counseling by the school attendance review board or probation officer to attend a meeting in the district attorney's office or at the probation department to discuss the possible legal consequences of the minor's truancy.	Dist. Atty.	
Services: Process	Welf. & Inst. Code, § 601.3(b)	Statute	Other	Specifies information that is required to be included in the notice of a meeting to be held pursuant to this section as summoned by the probation officer, the district attorney, or both, regarding the possible legal consequences of the minor's truancy.		

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Welf. & Inst. Code, § 601.3(c)	Statute	Other	Provides that the notice of a meeting, to be held pursuant to this section, as summoned by the probation officer, the district attorney, or both, regarding the possible legal consequences of the minor's truancy must be served at least five days prior to the meeting on each person required to attend the meeting.	Dist. Atty.	
Services: Process	Welf. & Inst. Code, § 601.3(d)	Statute	Mandate	Mandates the probation officer or the district attorney to advise the parents or guardians and the child attending a meeting, held pursuant to this section, as summoned by the probation officer, the district attorney, or both, regarding the possible legal consequences of the minor's truancy, that any statements they make could be used against them in subsequent court proceedings.	Dist. Atty.	
Services: Process	Welf. & Inst. Code, § 601.3(e)	Statute	Discretionary	Gives the probation officer or the district attorney after consultation with the probation officer, authority to file a petition pursuant to Welf. & Inst. Code, § 601, after a meeting held pursuant to this section, if the probation officer or the district attorney determines that available community resources cannot resolve the truancy problem, or if the student or student's parents or guardians, or both, have failed to respond to services provided or to the directives of the school, the school attendance review board, the probation officer, or the district attorney.	Dist. Atty.	Welf. & Inst. Code, § 601
Services: Process	Welf. & Inst. Code, § 601.3(f)	Statute	Discretionary Mandate	Authorizes the truancy mediation program. Gives the probation officer or the district attorney authority to establish the truancy mediation program. Mandates the probation officer and the district attorney to coordinate their efforts and to cooperate in determining which office is best able to operate a truancy mediation program in their county.	Dist. Atty.	
Services: Process	Welf. & Inst. Code, § 627.5	Statute	Mandate	Mandates the probation officer to immediately advise the minor and his or her parent or guardian that anything a minor says can be used against him or her in any case where a minor is taken before a probation officer pursuant to the provisions of Welf. & Inst. Code, § 626, and it is alleged that such minor is a person described in Welf. & Inst. Code, § 601 or 602. Mandates the probation officer to advise such a minor and his or her parent or guardian of the minor's constitutional rights, including the right to remain silent, the right to have counsel present during any interrogation, and the right to have counsel appointed if he or she is unable to afford counsel. Mandates the probation officer to notify the judge of the juvenile court of the minor's or his or her parent's or guardian's request for counsel.		Welf. & Inst. Code, §§ 601, 602, 626
Services: Process	Welf. & Inst. Code, § 629(a)	Statute	Discretionary Mandate	Mandates the probation officer to require the minor, as a condition for his or her release pursuant to Welf. & Inst. Code, § 628.1, and subject to Welf. & Inst. Code, §§ 631 and 632, to sign a written promise to appear before the probation officer at the juvenile hall or other suitable place designated by the probation officer at a specified time. Gives the probation officer discretionary authority to require the minor's parent, guardian, or relative to sign a written promise to appear before the probation officer at the juvenile hall or other suitable place designated by the probation officer at a specified time.		Welf. & Inst. Code, §§ 628.1, 631, 632

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Welf. & Inst. Code, § 629.1	Statute	Mandate	Mandates the probation officer to retain the minor, who was delivered to him or her pursuant to Welf. & Inst. Code, § 626.6, notwithstanding Welf. & Inst. Code, § 628 or 628.1, and who is 14 years of age or older, in custody until such time that the minor can be brought before a judicial officer of the juvenile court pursuant to Welf. & Inst. Code, § 632.		Welf. & Inst. Code, §§ 626.6, 628, 628.1, 632
Services: Process	Welf. & Inst. Code, § 630(a)	Statute	Mandate	Mandates the probation officer to immediately proceed in accordance with art. 16 ("Wards – Commencement of Proceedings") of ch. 2 of pt. 1 of div. 2 of Welf. & Inst. Code (commencing with § 650) to cause the filing of a petition pursuant to Welf. & Inst. Code, § 656, with the clerk of the juvenile court if the probation officer determines that the minor should be retained in custody. Mandates the probation officer or the prosecuting attorney to serve such minor with a copy of the petition and notify the minor of the time and place of the detention hearing immediately upon filing the petition with the clerk of the juvenile court if the minor is alleged to be a person described in Welf. & Inst. Code, § 601 or 602. Mandates the probation officer or the prosecuting attorney to notify each parent or each guardian also, if their whereabouts can be ascertained by due diligence, and provides that such notice may be given orally.		Welf. & Inst. Code, art. 16 of ch. 2 of pt. 1 of div. 2 ; Welf. & Inst. Code, §§ 656, 601, 602
Services: Process	Welf. & Inst. Code, § 631(a)	Statute	Other	Requires the release of any minor within 48 hours, excluding nonjudicial days, after having been taken into custody by a peace or probation officer, except when the minor willfully misrepresents himself or herself as 18 or more years of age, and unless within that period of time a petition to declare the minor a ward has been filed pursuant to ch. 2 ("Juvenile Court Law") of pt. 1 of div. 2 of Welf. & Inst. Code or a criminal complaint against the minor has been filed in a court of competent jurisdiction.		Welf. & Inst. Code, div. 2 of pt. 1 of ch. 2
Services: Process	Welf. & Inst. Code, § 631(b)	Statute	Other	Requires the release of any minor within 48 hours, excluding nonjudicial days, after having been taken into custody by a peace or probation officer without a warrant on the belief that the minor has committed a misdemeanor that does not involve violence, the threat of violence, or possession or use of a weapon, except when the minor willfully misrepresents himself or herself as 18 or more years of age, and unless a petition has been filed to declare the minor a ward of the court and the minor has been ordered detained by a judge of referee of the juvenile court pursuant to Welf. & Inst. Code, § 635. Makes any decision to detain such minor more than 24 hours a subject of written review and approval by a probation officer who is a supervisor in all cases as soon as possible after it is known that the minor will be detained more than 24 hours. Specifies that a decision to detain the minor more than 24 hours is not subject to review and approval if such decision is made by a probation officer who is a supervisor.		Welf. & Inst. Code, § 635

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Welf. & Inst. Code, § 631(c)	Statute	Mandate	Mandates the probation officer to prepare a written explanation of why the minor was held in custody for more than 24 hours if a minor has been held in custody for more than 24 hours by the probation officer and is subsequently released and no petition is filed. Requires that the written explanation be prepared within 72 hours after the minor is released from custody and filed in the record of the case. Requires that a copy of the written explanation be sent to the parents, guardian, or other person having care or custody of the minor.		
Services: Process	Welf. & Inst. Code, § 635	Statute	Mandate	Mandates the probation officer to submit a written report to the court containing specified information if the probation officer has reason to believe that the minor is at risk of entering foster care placement as defined by Welf. & Inst. Code, § 11402.		Welf. & Inst. Code, § 11402
Services: Process	Welf. & Inst. Code, § 636(c)	Statute	Other	Specifies documentation that the probation officer is mandated to submit to the court when he or she is recommending that the minor be detained.		
Services: Process	Welf. & Inst. Code, § 636.1(a)	Statute	Mandate	Mandates the probation officer to complete a case plan, whenever a minor is detained pursuant to Welf. & Inst. Code, § 636, following a finding by the court that continuance in the home is contrary to the minor's welfare and the minor is at risk of entering foster care, within 30 calendar days of initial removal of a minor or by the date of the disposition hearing, whichever occurs first.		Welf. & Inst. Code, § 636
Services: Process	Welf. & Inst. Code, § 652	Statute	Mandate	Mandates the probation officer, whenever he or she has cause to believe that there was or is within the county, or residing in the county, a person within the provision of Welf. & Inst. Code, § 601 or 602, to immediately make an investigation to determine whether proceedings in the juvenile court should be commenced and whether reasonable efforts, as described in par. (5) of Welf. & Inst. Code, § 727.4, subd. (d), have been made to prevent or eliminate the need for removal of the minor from his or her home. Does not require an investigation by the probation officer if a minor is delivered or referred to an agency pursuant to Welf. & Inst. Code, § 626, subd. (b).		Welf. & Inst. Code, §§ 601, 602, 727.4(d)(5), 626(b)
Services: Process	Welf. & Inst. Code, § 653	Statute	Mandate	Mandates the probation officer, whenever any person applies to the probation officer or the district attorney to commence proceedings in the juvenile court in accordance with Welf. & Inst. Code, § 601.3, subd. (e), to investigate immediately whether proceedings in the juvenile court should be commenced.	Dist. Atty.	Welf. & Inst. Code, § 601.3(e)
Services: Process	Welf. & Inst. Code, § 653.5(c)	Statute	Other	Specifies the cases in which the probation officer is required, notwithstanding subd. (b) of this section, to cause the affidavit to be taken within 48 hours to the prosecuting attorney.	Dist. Atty.	

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Welf. & Inst. Code, § 654(a)	Statute	Other	Authorizes the probation officer, with consent of the minor and the minor's parent or guardian, to maintain and operate sheltered-care facilities, or to contract with private or public agencies to provide these services, in lieu of filing a petition to declare a minor a dependent child of the court. Requires that placement of the minor pursuant to this section be limited to a maximum of 90 days, and requires that the counseling services be extended to the sheltered minor and minor's family during this period of diversion services. Specifies that the minor and his or her parents may be required to make full or partial reimbursement for the services rendered during the diversion process. Provides that referrals for sheltered-care diversion may be made by the minor, his or her family, schools, any law enforcement agency, or any other private or public social service agency.		
Services: Process	Welf. & Inst. Code, § 654(b)	Statute	Other	Authorizes the probation officer, with consent of the minor and the minor's parent or guardian, to maintain and operate crisis resolution homes, or to contract with private or public agencies to provide these services, in lieu of filing a petition to declare a minor a dependent child of the court. Requires that residence at these facilities be limited to 20 days, and requires that individual and family counseling services be extended to the sheltered minor and minor's family during this period of diversion services. Specifies that the failure to resolve the crisis within the 20-day period may result in the minor's referral to a sheltered-care facility for a period not to exceed 90 days. Provides that referrals for crisis resolution homes are required to be accepted from the minor, his or her family, schools, any law enforcement agency, or any other private or public social service agency. Provides that the minor, his or her parents, or both, may be required to reimburse the county for the cost of services rendered at a rate to be determined by the county board of supervisors.	Public or Private Agencies	
Services: Process	Welf. & Inst. Code, § 654(c)	Statute	Other	Authorizes the probation officer, with consent of the minor and the minor's parent or guardian, to maintain and operate counseling and educational centers, or to contract with private or public agencies whose purpose is to provide vocational training or skills, in lieu of filing a petition to declare a minor a dependent child of the court. Provides that the center may be operated separately or in conjunction with crisis resolution homes by the probation officer. Authorizes the probation officer to make referrals to the appropriate existing private or public agencies offering similar services when available.	Public or Private Agencies	
Services: Process	Welf. & Inst. Code, § 654.1(a)	Statute	Discretionary Mandate	Authorizes the probation officer, in lieu of requesting that a petition be filed by the prosecuting attorney to declare the minor a ward of the court under Welf. & Inst. Code, § 602, to proceed in accordance with Welf. & Inst. Code, § 654, and delineate a program of supervision for the minor in any case in which a minor has been charged with a violation of Veh. Code, § 23140 or 23152. Mandates the probation officer to cause the citation for a violation of Veh. Code, § 23140 or 23152, to be heard and disposed of by the judge, referee, or traffic hearing officer pursuant to Welf. & Inst. Code, §§ 257, 258, as a condition of any program of supervision.		Welf. & Inst. Code, §§ 602, 654, 257, 258; Veh. Code, §§ 23140, 23152
Services: Process	Welf. & Inst. Code, § 660.5(a)	Statute	Other	Names the chief probation officer as one of the members of a committee, in any county upon approval by the board of supervisors, that can vote to participate in the Expedited Youth Accountability Program.	Bd. of Sups.	

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Welf. & Inst. Code, § 660.5(d)	Statute	Mandate	Mandates the probation or peace officer, when releasing a minor who is not detained for any misdemeanor or felony offense and who is not cited to Informal Juvenile and Traffic Court pursuant of Pen. Code, § 256, pars. (1)–(15), & § 853.6a, to issue a citation and obtain a written promise to appear in juvenile court or to record the minor's refusal to sign the promise to appear and serve a notice to appear in juvenile court.		Welf. & Inst. Code §§ 658, 659, 660; Pen. Code, §§ 256(1)–(15), 853.6a
Services: Process	Welf. & Inst. Code, § 660.5(i)	Statute	Mandate	Mandates the probation officer to inform the minor and his or her parent or guardian, in the event that the probation officer places a minor on informal probation or cites the minor to Informal Juvenile and Traffic Court or elects some other lawful disposition not requiring the hearing set forth in subd. (b), and no later than 72 hours, excluding nonjudicial days and holidays, prior to the hearing, that a court appearance is not required.		
Services: Process	Welf. & Inst. Code, § 676(e)	Statute	Discretionary	Authorizes the probation officer or any party involved in the case under this section to petition the juvenile court to prohibit disclosure of any file or record to the public.		
Services: Process	Welf. & Inst. Code, § 727.4(a)	Statute	Mandate	Mandates the probation officer to mail or personally serve a notice of any hearing pursuant to Welf. & Inst. Code, § 727, 727.2, or 727.3, to the minor and the minor's parent or guardian or any other specified provider of care to the minor, including a statement regarding the nature of the status review or permanency planning hearing; a statement regarding any change in the custody or status of the minor being recommended by the probation department; and a statement informing the foster parents, relative caregivers, or preadoptive parents that he or she may attend all hearings or may submit any information he or she deems relevant to the court in writing. Mandates the probation department to mail or serve such notice not earlier than 30 days nor later than 15 days preceding the date of the hearing and to file proof of notice with the court.		Welf. & Inst. Code, §§ 727, 727.2, 727.3
Services: Process	Welf. & Inst. Code, § 727.4(b)	Statute	Mandate	Mandates the probation officer to file a social study report with the court pursuant to the requirements listed in § 706.5 after the hearing during which the court orders that the care, custody, and control of the minor be under the supervision of the probation officer for placement pursuant to Welf. & Inst. Code, § 727, subd. (a), and at least 10 calendar days prior to each status review and permanency planning hearing.		Welf. & Inst. Code, §§ 706.5, 727(a)
Services: Process	Welf. & Inst. Code, § 727.4(c)	Statute	Mandate	Mandates the probation officer to inform the minor, the minor's parent or guardian, and all counsel of record that a copy of the social study prepared for the status review and permanency hearing will be available 10 days prior to the hearing and may be obtained from the probation officer.		
Services: Process	Welf. & Inst. Code, § 731.3(a)	Statute	Other	Requires any minor, who is 15 years of age or older and who is found to have committed a firearms-related offense described in par. (1) of Ed. Code, § 48915, subd. (c), at school or a school activity off school grounds, to complete six months of intensive probation supervision in the minor's county of origin, including participation in an aftercare program, after completion of the Turning Point Academy.		Ed. Code, § 48915(c)(1)

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Welf. & Inst. Code, § 731.3(c)	Statute	Mandate	Mandates the probation officer to assess the minor who is 15 years of age or older prior to a referral to the Turning Point Academy. Mandates the probation officer to perform a social study and assess the minor's mental health status and to make a determination whether the criteria enumerated in Welf. & Inst. Code, § 731.3, subd. (b), apply.		Welf. & Inst. Code, § 731.3(b)
Services: Process	Welf. & Inst. Code, § 731.3(f)	Statute	Discretionary Mandate	Provides that the probation officer of the county in which the minor is adjudged a ward of the court may temporarily remove the minor from the facility or program if the probation officer determines that the Turning Point Academy is an unsuitable placement for the minor. Mandates the probation officer to promptly inform the court of the minor's removal, and requires that the probation officer return the minor to the court for a hearing to review the suitability of continued confinement at the academy.		
Services: Process	Welf. & Inst. Code, § 731.3(g)	Statute	Other	Places the individually designed, comprehensive, and intensive programs that are part of the aftercare program of the Turning Point Academy under probation supervision.		
Services: Process	Welf. & Inst. Code, § 739(a)	Statute	Discretionary Mandate	Gives the probation officer authority, whenever any person is taken into temporary custody under Welf. & Inst. Code art. 15 (commencing with § 625) who is in need of medical, surgical, dental, or other remedial care, and upon the recommendation of the attending physician, surgeon, or attending dentist, to authorize the performance of such care. Mandates the probation officer to notify the parent, guardian, or person standing in loco parentis of the person that medical, surgical, dental, or other remedial care is needed, before care is provided. Specifies that in cases where the parent, guardian, or person standing in loco parentis objects, such care can be given only upon order of the court.		Welf. & Inst. Code, art. 15 (commencing with § 625)
Services: Process	Welf. & Inst. Code, § 739(d)	Statute	Discretionary Mandate	Gives the probation officer authority, whenever it appears that a minor otherwise within subd. (a), (b), or (c) requires immediate emergency, medical, surgical, or other remedial care in an emergency situation, to authorize the performance of such care. Gives the probation officer authority, if the minor needs foot or ankle care within the scope of practice of podiatric medicine, and after obtaining the advice and concurrence of a physician and surgeon, to authorize such care to be provided by a podiatrist. Mandates the probation officer to make reasonable efforts to obtain the consent of, or to notify, the parent, guardian, or person standing in loco parentis prior to authorizing emergency medical, surgical, dental, or other remedial care.		
Services: Process	Welf. & Inst. Code, § 776	Statute	Other	Provides that no order changing, modifying, or setting aside a previous order of the juvenile court can be made either in chambers or otherwise, unless prior notice of the application therefore has been given by the judge or the clerk of the court to the probation officer, among others.		

Probation Services Task Force
Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Welf. & Inst. Code, § 781(a)	Statute	Discretionary	Authorizes the county probation officer or the person to petition the court, in any case in which a petition has been filed with a juvenile court to commence proceedings to adjudge a person a ward of the court and at any time after the person has reached the age of 18 years, to petition the court for sealing of the records under specified circumstances, including records of arrest in the custody of the juvenile court, probation officer, and any other specified agencies that the petitioner alleges in his or her petition to have custody of the records.		
Services: Process	Welf. & Inst. Code, § 781.5(a)	Statute	Mandate	Provides that a determination of factual innocence cannot be made pursuant to this subdivision unless the law enforcement agency and probation officer, with the concurrence of the district attorney, determine that no reasonable cause exists to believe that the minor committed the offense for which the arrest was made or the citation was issued. Mandates the probation officer and the law enforcement agency having jurisdiction over the offense to notify the Department of Justice and any other law enforcement agency or probation officer that arrested or cited the minor or participated in the arrest or citing of the minor for an offense for which the minor has been found factually innocent under this subdivision of the sealing of the minor's records and the reason for the sealing of the minor's records. Mandates the probation officer and other specified entities so notified to seal records of the arrest or citation and the notice of sealing for three years from the date of the arrest or citation and thereafter destroy those records and the notice of sealing.	Law Enforcement Agencies; Dist. Atty.; Dept. of Justice	
Services: Process	Welf. & Inst. Code, § 781.5(a)	Statute	Mandate	Mandates the Justice Department and the probation officer and the law enforcement agency having jurisdiction over the offense to request the destruction of any records of the arrest or citation that they have given to any local, state, or federal agency or to any other person or entity.	Law Enforcement Agencies; Just. Dept.	
Services: Process	Welf. & Inst. Code, § 781.5(a)	Statute	Discretionary	Provides that a minor may request in writing that the law enforcement agency and probation officer having jurisdiction over the offense destroy their records of the arrest or citation in any case where a minor has been cited to appear before a probation officer, has been taken before a probation officer pursuant to Welf. & Inst. Code, § 626, or has been taken before any officer of a law enforcement agency and no accusatory pleading or petition to adjudge the minor a ward of the court has been filed. Requires the probation officer and the law enforcement agency having jurisdiction over the offense, and upon a determination that the minor is factually innocent and with concurrence of the district attorney, to seal their records with respect to the minor and the request for relief under this section for three years from the date of the arrest or citation and thereafter destroy the records and the request.	Law Enforcement Agencies; Dist. Atty.	Welf. & Inst. Code, § 626
Services: Process	Welf. & Inst. Code, § 781.5(b)	Statute	Other	Requires the request for relief under subd. (a) to be deemed denied if the law enforcement agency, probation officer, and district attorney do not respond to the request by accepting or denying the request within 60 days after the running of the statute of limitation for the offense for which the minor was cited or arrested or within 60 days after receipt of the petition in cases where the statute of limitations has previously elapsed.	Law Enforcement Agencies; Dist. Atty.	

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Welf. & Inst. Code, § 781.5(f)	Statute	Mandate	Mandates the probation officer and law enforcement agency having jurisdiction over the offense or the court to issue a written declaration to the minor, in any case where a minor who has been arrested or cited is granted relief pursuant to this section, stating that it is the determination of the law enforcement agency and probation officer having jurisdiction over the offense or the court that the minor is factually innocent of the charges for which the minor was arrested or cited and that the minor is thereby exonerated.	Law Enforcement Agencies	
Services: Process	Welf. & Inst. Code, § 781.5(h)	Statute	Mandate	Mandates the probation officer and law enforcement agency having jurisdiction over the offense or the sealing and destruction of the arrest and citation records pursuant to this section.	Law Enforcement Agencies	
Services: Process	Welf. & Inst. Code, § 785(a)	Statute	Other	Gives any parent, minor, or other person having an interest in the minor authority through a probation officer or the prosecuting attorney, in any case where a minor is a ward of the juvenile court and the wardship did not result in the minor's commitment to the Youth Authority and the minor is found to be a fit and proper subject to be dealt with under the juvenile court law with respect to a subsequent allegation of criminal conduct, to petition the court in the same action in which the minor was found to be a ward of the juvenile court for a hearing for an order to terminate or modify the jurisdiction of the juvenile court.	Dist. Atty.	
Services: Process	Welf. & Inst. Code, § 795	Statute	Other	Designates the county probation officer or a person designated by the county probation officer to serve as the program administrator for juveniles granted deferred entry of judgment in each county. Specifies that the program administrator is responsible for developing, supervising, and monitoring treatment programs and otherwise overseeing the placement and supervision of minors granted probation pursuant to the provision of ch. 2 ("Juvenile Court Law") of div. 2 of Welf. & Inst. Code.		
Services: Process	Welf. & Inst. Code, § 826.5(a)	Statute	Discretionary Other	Includes the probation officer in a list of entities who may destroy, at any time before a person reaches the age when his or her records are required to be destroyed, all specified records and papers pertaining to that person if such records and papers are microfilmed or photocopied prior to destruction. Specifies that exhibits are required to be destroyed as provided under Pen. Code, §§ 1418, 1418.5, 1419.		Pen. Code, §§ 1418, 1418.5, 1419
Services: Process	Welf. & Inst. Code, § 827(b)(3)	Statute	Mandate	Mandates the probation or the parole officer having jurisdiction over the minor returned to a school district other than the one from which the minor was removed as a result of the court's finding described in subd. (b) of this section to notify the superintendent of the last district of attendance about the minor's return.		
Services: Process	Welf. & Inst. Code, § 840	Statute	Other	Establishes in each county probation department a program of home supervision to which minors are referred pursuant to Welf. & Inst. Code, § 628.1. Defines the home supervision program.		Welf. & Inst. Code, § 628.1

Probation Services Task Force

Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
Services: Process	Welf. & Inst. Code, § 841	Statute	Other	Specifies that the duties of a deputy probation officer, probation aide, community worker, or volunteer assigned to home supervision and under the supervision of a deputy probation officer are to ensure the minor's appearance at probation officer interviews and court hearings and to ensure that the minor obeys the conditions of his or her release and commits no public offenses pending final disposition of his or her case. Mandates a deputy probation officer, probation aide, or community worker assigned to home supervision to have a caseload of no more than 10 minors, or no more than 15 minors if the county probation department employs a method of home supervision including electronic surveillance. Requires that a minor be assigned to a deputy probation officer, probation aide, community worker, or volunteer who resides in the same community as the minor, whenever possible.		
Services: Process	Welf. & Inst. Code, § 842	Statute	Other	Defines a probation volunteer as a person who donates personal services to the probation department and probationers without compensation. Defines a probation aide or a community worker, who may receive compensation for his or her services. Provides that probation aides, community workers, and volunteers cannot qualify for peace officer status pursuant to Pen. Code, § 830.5.		Pen. Code, § 830.5
Services: Process	Welf. & Inst. Code, § 16500.5(d)	Statute	Discretionary	Authorizes the probation officer or a county welfare department social worker, pursuant to an appropriate court order, to return a dependent minor or ward of the court removed from the home pursuant to Welf. & Inst. Code, § 361, to his or her home with appropriate interagency family preservation program services.		Welf. & Inst. Code, § 361
Services: Process	Welf. & Inst. Code, § 16521	Statute	Other	Mandates the State Department of Social Services, in consultation with representatives of local probation departments, foster care providers, and other interested parties, to review federal and state statutes, federal requirements, and state regulations pertaining to the placement of children whose board and care is funded through the Aid to Families with Dependent Children–Foster Care program. Mandates the State Department of Social Services to develop, by January 1, 1995, regulations identifying specific initial and ongoing placement activities that must be performed by the probation department to ensure that the needs of wards in placement whose board and care is funded through the Aid to Families with Dependent Children–Foster Care program are met.	State Dept. of Social Services; Foster Care Providers	
	Health & Saf. Code, § 1567.3(a)	Statute	Other	Prevents any licensed community care facility from receiving a ward of the juvenile court as described in Welf. & Inst. Code, § 602, until the probation officer of the county in which the community care facility is located has received written notice of the placement, pursuant to Welf. & Inst. Code, § 740, and other specified information about the ward.		Welf. & Inst. Code, §§ 602, 740
	<i>Charles S. v. Super. Ct. of LA Co.</i>	32 Cal. 3d 741		The initial determination of whether to institute informal probation or to file court proceedings is at the discretion of the probation officer and may not be delegated to the prosecuting attorney. (Citing also <i>Raymond B. v. Super. Ct.</i> (1980) 102 Cal.App.3d 372, 375; and <i>Marvin F. v. Super. Ct.</i> (1977) 75 Cal.App.3d 281, 288.)		

Probation Services Task Force
Laws and Mandates Chart: Sorted by Statute

Subject Area	Code Section	Statute/ Regulation/ Rules	Mandate/ Discretionary/ Other	Description	Collaboration	Reference
	<i>In re Arron C.</i>	59 Cal. App. 4th 1365		The juvenile probation office is, in effect, an arm of the juvenile court. In a general-law county, probation officers are appointed by and serve at the pleasure of the juvenile court judge. Probation officers are not "adjuncts of the law enforcement team"; they are more like the court employees (identified in Evans) who have "no stake in the outcome of particular criminal prosecutions." (Citing <i>Arizona v. Evans</i> (1995) 514 U.S. 1).		
	<i>People v. Super. Ct. of LA Co. (Robin Hubbard, Real Party in Interest)</i>	230 Cal. App. 3d 287		Mandates the administrator of the Electronic Monitoring Program (EMP) program to make the determination whether a person meets the criteria to participate in the program. The administrator is not required to permit participation; the sentencing judge has only the right to restrict or deny a defendant's participation, but no authority to direct or order placement of a defendant in the EMP program.		